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Emergency Rules

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
and
Department of Children and Family Services
Office of the Secretary**

Community and Family Support System
Flexible Family Fund (LAC 48:I.Chapter 161)

The Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary amend §16103, §16105, §16107, §16109, §16111, §16113 and §16115 of Part I concerning the Community and Family Support System Flexible Family Fund as authorized by R.S. 28:821 and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 378 of the 1989 Regular Session of the Louisiana Legislature and Act 1011 of the 1991 Regular Session of the Louisiana Legislature created and continued the Community and Family Support System (R.S. 28:821 et seq.). The original Rule was promulgated to implement the cash subsidy program to provide a cash stipend to families of eligible children with severe and profound disabilities to offset the cost of keeping their children at home. The Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary amended the provisions governing the Community and Family Support System Flexible Family Fund by introducing a universal screening protocol for all children with identified qualifying exceptionalities for severity of functional limitations and changed terminology for qualifying exceptionalities to reflect current usage. The Rule also changed the name of the program from cash subsidy to flexible family fund. (*Louisiana Register*, Volume 37, Number 9).

As a result of a budgetary shortfall in state fiscal year 2013, the Department of Health and Hospitals promulgated an Emergency Rule which amended the provisions governing the Flexible Family Fund to enact financial eligibility criteria for children receiving a home and community-based services waiver (*Louisiana Register*, Volume 38, Number 9). This Emergency Rule is being

promulgated to continue the provisions of the October 1, 2012 Emergency Rule. This action is being taken to avoid a budget deficit.

Effective June 1, 2014, the Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary amends the provisions governing the eligibility determination for the flexible family fund to enact financial eligibility criteria for children receiving a home and community-based services waiver.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 11. Community and Family Support System Chapter 161. Community and Family Support System - Flexible Family Fund

§16103. Definitions

* * *

Family—the basic family unit consists of one or more adults and children, if any, related by blood, marriage, adoption, and residence in the same household.

Family Income—money or its equivalent in exchange for labor or services, from the sale of goods or property, or as profit from financial investments, benefits, entitlement, and any income that is not from working or from whatever source of gross income, which means all income from whatever source derived including (but not be limited to) the following:

1. interest;
2. rents;
3. royalties;
4. dividends;
5. alimony and separate maintenance payments;
6. annuities;
7. income from life insurance and endowment contracts;
8. pensions; and
9. income from an interest in an estate or trust.

* * *

Proof of Family Income—documentation of income, which for the flexible family fund, is a copy of the most recent tax return and all schedule attachments for each family member.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 28:1019 (May 2002), LR 33:1135 (June 2007), LR 37:2584 (September 2011), LR 40:

§16105. Application Process

A. - B. ...

C. For the application to be complete, the documentation listed in §16103 of this rule, which identifies a qualifying exceptionality and proof of family income for families

whose children receive a home and community-based services waiver, must accompany the application for the flexible family fund, and the application must be signed by the responsible care giver and received by the appropriate agency through the mail.

D. Applications for the flexible family fund shall be screened at the point of initial application to determine whether the child has a qualifying exceptionality, to determine financial eligibility for families whose children receive waiver services, to determine that the child is appropriately served by the agency and to ensure that applications are routed to the appropriate agency. When family income exceeds 650 percent of the federal poverty level and the child is a home and community-based services waiver recipient, the child will be ineligible for participation in the flexible family fund.

E. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 28:1019 (May 2002), LR 33:1135 (June 2007), LR 37:2584 (September 2011), LR 40:

§16107. Determining Children Eligible for the Flexible Family Fund

A. - F. ...

G. Children who receive a home and community-based services waiver and whose family income is at or less than 650 percent of the federal poverty level are eligible to participate in the flexible family fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 28:1019 (May 2002), LR 33:1135 (June 2007), LR 37:2584 (September 2011), LR 40:

§16109. Children Ineligible for the Flexible Family Fund

A. - A.2. ...

3. children in residence at the Louisiana School for the Deaf and the Louisiana School for the Visually Impaired; and

4. children receiving a home and community-based services waiver and whose family income exceeds 650 percent of the federal poverty level.

A. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 28:1019 (May 2002), LR 33:1135 (June 2007), LR 37:2584 (September 2011), LR 40:

§16111. Eligibility Determination

A. - D. ...

E. There shall be financial eligibility criteria for the flexible family fund for recipients of a home and community-based services waiver.

1. DHH will determine if recipients of a home and community-based services waiver meet the financial eligibility requirements for the flexible family fund.

2. Recipients of a home and community-based services waiver whose family income exceeds 650 percent of the federal poverty level will be excluded from the flexible family fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 28:1019 (May 2002), LR 33:1135 (June 2007), LR 37:2584 (September 2011), LR 40:

§16113. Payment Guidelines

A. - C. ...

D. The family of recipients of a home and community-based services waiver is required to report to OCDD accurate and current family income. If a flexible family fund recipient becomes certified for a home and community-based services waiver, the family is required to report this change in status to OCDD and submit proof of family income. Documentation must be received by OCDD within 30 days of the change in income or home and community-based services waiver recipient status.

E. If it is discovered that the family of the recipient of a home and community-based services waiver sent in inaccurate family income eligibility documentation or that the family did not update OCDD with changes in income, and the recipient no longer meets the financial eligibility requirements as defined in §16111 of this rule, OCDD may follow-up with recoupment of funds paid during the period of ineligibility. If it is discovered that the family of the flexible family fund recipient did not update OCDD of certification of home and community-based services and the recipient did not meet the family financial eligibility requirements §16111 of this rule, OCDD may follow-up with recoupment of funds paid during the period of ineligibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 28:1019 (May 2002), LR 33:1135 (June 2007), LR 37:2584 (September 2011), LR 40:

§16115. Terminations

A. - A.6. ...

7. failure to comply with the provisions of the individual agreement or the flexible family fund, including the requirement to maintain quarterly contact with the agency administering the flexible family fund and the requirement to provide required documentation, including proof of income for families of children receiving a home and community-based services waiver;

8. child's exceptionality or degree of severity no longer meets eligibility criteria;

9. child attains age 18 years;

10. responsible care giver fails to maintain the child in an approved educational program; or

11. income for the family of the child receiving a home and community-based services waiver exceeds 650 percent of the federal poverty level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 28:1019 (May 2002), LR 33:1135 (June 2007), LR 37:2584 (September 2011), LR 40:

Kathy H. Kliebert
Secretary

1405#030

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Applied Behavioral Analysis-Based Therapy Services (LAC 50:XV.Chapters 1-7)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:XV.Chapters 1-7 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities promulgated an Emergency Rule which amended the provisions of the children's choice waiver in order to provide for the allocation of waiver opportunities to Medicaid-eligible children identified in the *Melanie Chisholm, et al vs. Kathy Kliebert* class action litigation (hereafter referred to as Chisholm class members) who have a diagnosis of pervasive developmental disorder or autism spectrum disorder, and are in need of applied behavioral analysis-based (ABA) therapy services. (*Louisiana Register*, Volume 39, Number 10). This action was taken as a temporary measure to ensure Chisholm class members would have access to ABA therapy services as soon as possible.

To ensure continued, long-lasting access to ABA-based therapy services for Chisholm class members and other children under the age of 21, the department promulgated an Emergency Rule which adopted provisions to establish coverage and reimbursement for ABA-based therapy services under the Medicaid State Plan (*Louisiana Register*, Volume 40, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 1, 2014 Emergency Rule.

This action is being taken to avoid imminent peril to the public health and welfare of children who are in immediate need of ABA-based therapy services, and to comply with the judge's order that these services be provided to Chisholm class members.

Effective June 2, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing adopts

provisions to establish coverage and reimbursement for applied behavioral analysis-based therapy services under the Medicaid state plan.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 1. Applied Behavioral Analysis-Based Therapy Services

Chapter 1. General Provisions

§101. Program Description and Purpose

A. Applied behavioral analysis-based (ABA) therapy is the design, implementation, and evaluation of environmental modification using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including the direct observation, measurement, and functional analysis of the relations between environment and behavior. ABA-based therapies teach skills through the use of behavioral observation and reinforcement or prompting to teach each step of targeted behavior. ABA-based therapies are based on reliable evidence and are not experimental.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§103. Recipient Criteria

A. In order to qualify for ABA-based therapy services, a Medicaid recipient must meet the following criteria. The recipient must:

1. be from birth up to 21 years of age;
2. exhibit the presence of excesses and/or deficits of behaviors that significantly interfere with home or community activities (examples include, but are not limited to aggression, self-injury, elopement, etc.);
3. be medically stable and does not require 24-hour medical/nursing monitoring or procedures provided in a hospital or intermediate care facility for persons with intellectual disabilities (ICF/ID);
4. be diagnosed by a qualified health care professional with a condition for which ABA-based therapy services are recognized as therapeutically appropriate, including autism spectrum disorder;
5. have a comprehensive diagnostic evaluation by a qualified health care professional; and
6. have a prescription for ABA-based therapy services ordered by a qualified health care professional.

B. All of the criteria in §103.A must be met to receive services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Chapter 3. Services

§301. Covered Services and Limitations

A. Medicaid covered ABA-based therapy services must be:

1. medically necessary;
2. prior authorized by the Medicaid Program or its designee; and
3. delivered in accordance with the recipient's treatment plan.

B. Services must be provided directly or billed by behavior analysts licensed by the Louisiana Behavior Analyst Board.

C. Medical necessity for ABA-based therapy services shall be determined according to the provisions of the *Louisiana Administrative Code* (LAC), Title 50, Part I, Chapter 11 (*Louisiana Register*, Volume 37, Number 1).

D. ABA-based therapy services may be prior authorized for a time period not to exceed 180 days. Services provided without prior authorization shall not be considered for reimbursement, except in the case of retroactive Medicaid eligibility.

E. Service Limitations

1. Services shall be based upon the individual needs of the child, and must give consideration to the child's age, school attendance requirements, and other daily activities as documented in the treatment plan.

2. Services must be delivered in a natural setting (e.g., home and community-based settings, including clinics).

3. Any services delivered by direct line staff must be under the supervision of a lead behavior therapist who is a Louisiana licensed behavior analyst.

F. Not Medically Necessary/Non-Covered Services. The following services do not meet medical necessity criteria, nor qualify as Medicaid covered ABA-based therapy services:

1. therapy services rendered when measureable functional improvement is not expected or progress has plateaued;

2. services that are primarily educational in nature;

3. services that are duplicative services under an individualized family service plan (IFSP) or an individualized educational program (IEP), as required under the federal Individuals with Disabilities Education Act (IDEA);

4. treatment whose purpose is vocationally- or recreationally-based;

5. custodial care;

a. for purposes of these provisions, custodial care:

i. shall be defined as care that is provided primarily to assist in the activities of daily living (ADLs), such as bathing, dressing, eating, and maintaining personal hygiene and safety;

ii. is provided primarily for maintaining the recipient's or anyone else's safety; and

iii. could be provided by persons without professional skills or training; and

6. services, supplies, or procedures performed in a non-conventional setting including, but not limited:

a. resorts;

b. spas;

c. therapeutic programs; and

d. camps.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§303. Treatment Plan

A. ABA-based therapy services shall be rendered in accordance with the individual's treatment plan. The treatment plan shall:

1. be person-centered and based upon individualized goals;

2. be developed by a licensed behavior analyst;

3. delineate both the frequency of baseline behaviors and the treatment development plan to address the behaviors;

4. identify long, intermediate, and short-term goals and objectives that are behaviorally defined;

5. identify the criteria that will be used to measure achievement of behavior objectives;

6. clearly identify the schedule of services planned and the individual providers responsible for delivering the services;

7. include care coordination involving the parents or caregiver(s), school, state disability programs, and others as applicable;

8. include parent/caregiver training, support, and participation;

9. have objectives that are specific, measureable, based upon clinical observations, include outcome measurement assessment, and tailored to the individual; and

10. ensure that interventions are consistent with ABA techniques.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Chapter 5. Provider Participation

§501. General Provisions

A. Licensed behavior analysts that render ABA-based therapy services shall meet the following provider qualifications:

1. be licensed by the Louisiana Behavior Analyst Board;

2. be covered by professional liability insurance to limits of \$1,000,000 per occurrence, \$1,000,000 aggregate;

3. have no sanctions or disciplinary actions on their board certified behavior analyst (BCBA®) or board certified behavior analyst-doctoral (BCBA-D) certification and/or state licensure;

4. not have Medicare/Medicaid sanctions, or be excluded from participation in federally funded programs (i.e., Office of Inspector General's list of excluded individuals/entities (OIG-LEIE), system for award management (SAM) listing and state Medicaid sanctions listings); and

5. have a completed criminal background check to include federal criminal, state criminal, parish criminal and sex offender reports for the state and parish in which the behavior analyst is currently working and residing.

a. Criminal background checks must be performed at the time of hire and at least five years thereafter.

b. Background checks must be current, within a year prior to the initial Medicaid enrollment application. Background checks must be performed at least every five years thereafter.

B. Certified assistant behavior analyst that render ABA-based therapy services shall meet the following provider qualifications:

1. must be certified by the Louisiana Behavior Analyst Board;

2. must work under the supervision of a licensed behavior analyst;

a. the supervisory relationship must be documented in writing;

3. must have no sanctions or disciplinary actions, if state-certified or board-certified by the BACB®;

4. may not have Medicare or Medicaid sanctions, or be excluded from participation in federally funded programs (i.e., Office of Inspector General's list of excluded individuals/entities (OIG-LEIE), system for award management (SAM) listing and state Medicaid sanctions listings); and

5. have a completed criminal background check to include federal criminal, state criminal, parish criminal and sex offender reports for the state and parish in which the certified assistant behavior analyst is currently working and residing.

a. Evidence of this background check must be provided by the employer.

b. Criminal background checks must be performed at the time of hire and an update performed at least every five years thereafter.

C. Registered line technicians that render ABA-based therapy services shall meet the following provider qualifications:

1. must be registered by the Louisiana Behavior Analyst Board;

2. must work under the supervision of a licensed behavior analyst;

a. the supervisory relationship must be documented in writing;

3. may not have Medicaid or Medicare sanctions or be excluded from participation in federally funded programs (OIG-LEIE listing, SAM listing and state Medicaid sanctions listings); and

4. have a completed criminal background check to include federal criminal, state criminal, parish criminal and sex offender reports for the state and parish in which the certified assistant behavior analyst is currently working and residing.

a. Evidence of this background check must be provided by the employer.

b. Criminal background checks must be performed at the time of hire and an update performed at least every five years thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Chapter 7. Reimbursements

§701. General Provisions

A. The Medicaid Program shall provide reimbursement for ABA-based therapy services to enrolled behavior analysts who are currently licensed and in good standing with the Louisiana Behavior Analyst Board.

B. Reimbursement for ABA services shall not be made to, or on behalf of services rendered by, a parent, a legal guardian or legally responsible person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§703. Reimbursement Methodology

A. Reimbursement for ABA-based therapy services shall be based upon a percentage of the commercial rates for ABA-based therapy services in the state of Louisiana. The rates are based upon 15 minute units of service, with the

exception of mental health services plan which shall be reimbursed at an hourly fee rate.

B. Reimbursement shall only be made for services authorized by the Medicaid Program or its designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#037

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Disproportionate Share Hospital Payments
Public-Private Partnerships
North and Central Louisiana Areas
(LAC 50:V.2903)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.2903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions governing disproportionate share hospital (DSH) payments for non-state owned hospitals in order to encourage them to take over the operation and management of state-owned and operated hospitals that have terminated or reduced services (*Louisiana Register*, Volume 38, Number 11). Participating non-state owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-private partnership initiative.

The department promulgated an Emergency Rule which amended the provisions governing DSH payments for hospitals participating in public-private partnerships to establish payments for hospitals located in the following areas: 1) Houma; 2) Lafayette; 3) Lake Charles; and 4) New Orleans (*Louisiana Register*, Volume 39, Number 7). The department promulgated an Emergency Rule which amended the provisions of the June 27, 2013 Emergency Rule to

correct the percentage for DSH payments to hospitals located in the Lafayette area (*Louisiana Register*, Volume 39, Number 7). The department promulgated an Emergency Rule which amended the provisions governing DSH payments for hospitals participating in public-private partnerships to establish payments for hospitals located in the following areas: 1) Shreveport; 2) Monroe; and 3) Bogalusa (*Louisiana Register*, Volume 39, Number 10). The department promulgated an Emergency Rule to assure compliance with the technical requirements of R.S. 49:953, and to continue the provisions of the October 1, 2013 Emergency Rule governing the DSH Program to establish payments for hospitals located in the following areas: 1) Shreveport; 2) Monroe; and 3) Bogalusa (*Louisiana Register*, Volume 40, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 13, 2014 Emergency Rule.

This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to much needed hospital services.

Effective June 14, 2014 the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the DSH Program to establish payments to additional hospitals participating in public-private partnerships.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 3. Disproportionate Share Hospital Payments

Chapter 29. Public-Private Partnerships

§2903. Payment Methodology

A. - D.4. Reserved.

E. Shreveport Area Cooperative Endeavor Agreement

1. Effective for dates of service on or after October 1, 2013, a state-owned or operated hospital in Shreveport that has transferred its management and operations to a non-state owned hospital participating in a public-private partnership shall be eligible for payment of 100 percent of its uncompensated care costs.

2. Qualifying hospitals shall submit costs and patient specific data in a format specified by the department. Cost and lengths of stay will be reviewed for reasonableness before payments are made.

3. The first payment of each fiscal year will be made by October 25 and will be 85 percent of the annual estimate. The remainder of the payment will be made by June 30 of each year.

F. Monroe Area Cooperative Endeavor Agreement

1. Effective for dates of service on or after October 1, 2013, a state-owned or operated hospital in Monroe that has transferred its management and operations to a non-state owned hospital participating in a public-private partnership shall be eligible for payment of 100 percent of its uncompensated care costs.

2. Qualifying hospitals shall submit costs and patient specific data in a format specified by the department. Cost and lengths of stay will be reviewed for reasonableness before payments are made.

3. The first payment of each fiscal year will be made by October 25 and will be 85 percent of the annual estimate. The remainder of the payment will be made by June 30 of each year.

G. Bogalusa Area Cooperative Endeavor Agreement

1. Effective for dates of service on or after January 1, 2014, a state-owned or operated hospital in Bogalusa that has transferred its management and operations to a non-state owned hospital participating in a public-private partnership shall be eligible for payment of 100 percent of its uncompensated care costs.

2. Qualifying hospitals shall submit costs and patient specific data in a format specified by the department. Cost and lengths of stay will be reviewed for reasonableness before payments are made.

3. The first payment will be made by January 15, 2014 and will be 80 percent of one-half of the annual estimate. The first payment of each subsequent fiscal year will be made by October 15 and will be 80 percent of the annual estimate. The remainder of the payment will be made by June 30 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#038

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Home Health Program—Rehabilitation Services
Reimbursement Rate Increase
(LAC 50:XIII.Chapter 9)

The Department of Health and Hospitals, Bureau of Health Services Financing repeals the provisions of the June 20, 1997, May 20, 2001, and the May 20, 2004 Rules governing rehabilitation services and adopts LAC 50:XIII.Chapter 9 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid reimbursement for rehabilitation services covered in the Home Health Program. In compliance with a court order from the *Melanie Chisholm, et al vs. Kathy Kliebert* class

action litigation, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing rehabilitation services covered under the Home Health Program in order to increase the reimbursement rates for physical and occupational therapy services for recipients under the age of 21, and to discontinue the automatic enhanced rate adjustment for these services (*Louisiana Register*, Volume 40, Number 2). This Emergency Rule also repealed the June 20, 1997, May 20, 2001, and the May 20, 2004 rules governing rehabilitation services covered in the Home Health Program, and revised and repromulgated the provisions in a codified format for inclusion in the *Louisiana Administrative Code*. This Emergency Rule is being promulgated to continue the provisions of the February 13, 2014 Emergency Rule.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to therapy services in the Home Health Program.

Effective June 14, 2014, the department amends the provisions governing the home health program in order to increase the reimbursement rates for physical and occupational therapy services provided to recipients under the age of 21, and to discontinue the automatic enhanced rate adjustment for these services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XIII. Home Health

Subpart 1. Home Health Services

Chapter 9. Rehabilitation Services

§901. General Provisions

A. The Medicaid program provides coverage for rehabilitation services rendered in the home health program. Home health rehabilitation services include:

1. physical therapy;
2. occupational therapy; and
3. speech/language therapy.

B. All home health rehabilitation services must be medically necessary and prior authorized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§903. Reserved.

§905. Reimbursement Methodology

A. The Medicaid program provides reimbursement for physical therapy, occupational therapy and speech/language therapy covered under the home health program.

B. Effective for dates of service on or after February 13, 2014, reimbursement for physical and occupational therapy services shall be 85 percent of the 2013 Medicare published rate. There shall be no automatic enhanced rate adjustment for physical and occupational therapy services.

C. Speech/language therapy services shall continue to be reimbursed at the flat fee in place as of February 13, 2014 and in accordance with the Medicaid published fee schedule for speech/language therapy services provided in the Home Health Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#039

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Laboratory and Radiology Services
Reimbursement Methodology
Manual Pricing
(LAC 50:XIX.Chapter 43)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50: XIX.4329 and §§4334-4337 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Due to a budgetary shortfall in state fiscal year 2013, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for laboratory and radiology services to reduce the reimbursement rates (*Louisiana Register*, Volume 39, Number 5). The department has now determined it is necessary to amend the provisions governing the reimbursement methodology for laboratory and radiology services to adopt a manual pricing payment methodology for covered services that do not have Medicare established rates. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to Medicaid covered services. It is estimated that the implementation of this Emergency Rule will have no fiscal impact to the Medicaid Program for state fiscal year 2013-2014.

Effective May 20, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for laboratory and radiology services.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XIX. Other Services

Subpart 3. Laboratory and X-Ray

Chapter 43. Billing and Reimbursement

Subchapter B. Reimbursement

§4329. Laboratory Services (Physicians and Independent Laboratories)

A. - L.3.a. ...

M. Effective for dates of service on or after May 20, 2014, the reimbursement for laboratory services shall be based on usual and customary billed charges or the Medicaid fee on file as of May 19, 2014, whichever is lesser.

1. If laboratory services do not have Medicare established rates, fees will be based on review of statewide billed charges for that service in comparison with set charges for similar services.

2. If there is no similar service, fees are based upon the consultant physicians' review and recommendations.

3. Reimbursement shall be the lesser of the billed charges or the Medicaid fee on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), P.L. 98-369, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1897 (September 2009), LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3028 (October 2011), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:95 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1284 (May 2013), LR 40:

§4334. Radiology Services

A. - J. ...

K. Effective for dates of service on or after May 20, 2014, the reimbursement for radiology services shall be based on usual and customary billed charges or the Medicaid fee on file as of May 19, 2014, whichever is lesser.

1. If radiology services do not have Medicare established rates, fees will be based on review of statewide billed charges for that service in comparison with set charges for similar services.

2. If there is no similar service, fees are based upon the consultant physicians' review and recommendations.

3. Reimbursement shall be the lesser of the billed charges or the Medicaid fee on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1897 (September 2009), amended LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029 (October 2011), LR 39:1284 (May 2013), LR 40:

§4335. Portable Radiology Services

A. - H. ...

I. Effective for dates of service on or after May 20, 2014, the reimbursement for portable radiology services shall be based on usual and customary billed charges or the Medicaid fee on file as of May 19, 2014, whichever is lesser.

1. If portable radiology services do not have Medicare established rates, fees will be based on review of statewide

billed charges for that service in comparison with set charges for similar services.

2. If there is no similar service, fees are based upon the consultant physicians' review and recommendations.

3. Reimbursement shall be the lesser of the billed charges or the Medicaid fee on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 30:1026 (May 2004), amended LR 35:1898 (September 2009), amended LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029 (October 2011), LR 39:1284 (May 2013), LR 40:

§4337. Radiation Therapy Centers

A. - H. ...

I. Effective for dates of service on or after May 20, 2014, the reimbursement for radiology services provided by radiation therapy centers shall be based on usual and customary billed charges or the Medicaid fee on file as of May 19, 2014, whichever is lesser.

1. If radiology services provided by radiation therapy centers do not have Medicare established rates, fees will be based on review of statewide billed charges for that service in comparison with set charges for similar services.

2. If there is no similar service, fees are based upon the consultant physicians' review and recommendations.

3. Reimbursement shall be the lesser of the billed charges or the Medicaid fee on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1898 (September 2009), amended LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029 (October 2011), LR 39:1284 (May 2013), LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#031

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

Medicaid Eligibility
Former Foster Care Adolescents
(LAC 50:III.2308)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:III.2308 in the Medical Assistance Program as authorized by R.S. 36:254

and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 352 of the 2008 Regular Session of the Louisiana Legislature authorized the Department of Health and Hospitals to adopt provisions pursuant to the Chafee option which provide regular Medicaid coverage or an alternative benefits package to independent youth aging out of foster care. In compliance with Act 352, the department adopted provisions pursuant to the Chafee Option to establish a new Medicaid eligibility group to provide Medicaid coverage to youth between the ages of 18 and 21 who are transitioning out of foster care (*Louisiana Register*, Volume 35, Number 11).

The Patient Protection and Affordable Care Act of 2010 and Education Reconciliation Act of 2010 (collectively referred to as the Affordable Care Act) require Medicaid to expand coverage to foster care adolescents ages 18 to 26 who are transitioning out of foster care. In compliance with the Affordable Care Act, the department promulgated an Emergency Rule which adopted provisions to establish a new Medicaid eligibility group to provide Medicaid coverage to former foster care adolescents from age 18 to 26 who are transitioning out of foster care (*Louisiana Register*, Volume 40, Number 1).

The department promulgated an Emergency Rule which amended the provisions of the December 31, 2013 Emergency Rule to clarify the provisions and to correct the Section number in order to ensure that these provisions are promulgated appropriately in the *Louisiana Administrative Code* (*Louisiana Register*, Volume 40, Number 1). This Emergency Rule is being promulgated to continue the provisions of the January 20, 2014 Emergency Rule. This action is being taken to avoid federal sanctions and to promote the health and well-being of individuals in foster care by maintaining their access to health care services after they age out of the foster care system.

Effective May 21, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the new Medicaid eligibility group for former foster care adolescents.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2308. Former Foster Care Adolescents

A. Pursuant to the Patient Protection and Affordable Care Act of 2010 (collectively referred to as the Affordable Care Act), the Department of Health and Hospitals hereby implements a Medicaid eligibility group, effective December 31, 2013, to provide health care coverage to youth who are transitioning out of foster care to self-sufficiency upon reaching age 18 or at a higher age selected by the department. This eligibility group will be called former foster care adolescents.

B. Eligibility Requirements. Youth who age out of foster care and meet all of the following requirements may receive

Medicaid health care coverage under this new eligibility group.

1. The youth must be from age 18 up to age 26.

2. The youth must have been in foster care and in state custody, either in Louisiana or another state, and receiving Medicaid upon turning age 18 or upon aging out of foster care at a higher age selected by the department.

3. The youth must live in Louisiana.

C. Income, resources and insurance status are not considered when determining eligibility.

D. Individuals determined eligible in this group shall receive coverage of medically necessary health care services provided under the Medicaid state plan.

1. The assistance unit shall consist of the youth only.

E. Eligibility for the program will continue until the youth reaches age 26 unless the youth:

1. moves out of state;

2. requests closure of the case;

3. is incarcerated; or

4. dies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR: 40

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#040

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Medicaid Eligibility—Medically Needy Program
Behavioral Health Services
(LAC 50:III.2313)

The Department of Health and Hospitals, Bureau of Health Services Financing hereby repeals and replaces all of the Rules governing the Medically Needy Program, and adopts LAC 50:III.2313 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated

a Rule in order to reinstate the Title XIX Medically Needy Program (MNP) and to establish coverage restrictions (*Louisiana Register*, Volume 24, Number 5). All behavioral health services are restricted from coverage under the Medically Needy Program.

In February 2012, the department adopted provisions in the Medicaid Program to restructure the existing behavioral health services delivery system into a comprehensive service delivery model called the Louisiana Behavioral Health Partnership (LBHP). Certain recipients enrolled in the medically needy program, whose Medicaid eligibility is based solely on the provisions of §1915(i) of Title XIX of the Social Security Act, are eligible to only receive behavioral health services. These recipients have difficulties accessing behavioral health services through the LBHP due to the service restrictions currently in place in the Medically Needy Program.

Therefore, the department promulgated an Emergency Rule which revised the provisions governing the medically needy program in order to include behavioral health coverage for MNP recipients that qualify for the program under the provisions of §1915(i) of Title XIX of the Social Security Act. This Emergency Rule also repealed and replaced all of the Rules governing the Medically Needy Program in order to repromulgate these provisions in a clear and concise manner for inclusion in the *Louisiana Administrative Code* in a codified format (*Louisiana Register*, Volume 38, Number 12).

The department promulgated an Emergency Rule which amended the provisions governing the Medically Needy Program to further clarify the provisions governing covered services (*Louisiana Register*, Volume 39, Number 4). The department promulgated an Emergency Rule which amended the April 20, 2013 Emergency Rule to further clarify the provisions governing covered services (*Louisiana Register*, Volume 40, Number 1). This Emergency Rule is being promulgated to continue the provisions of the January 20, 2014 Emergency Rule.

This action is being taken to promote the health and welfare of MNP recipients who are in need of behavioral health services, and to assure their continued access to these services.

Effective May 21, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the medically needy program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2313. Medically Needy Program

A. The Medically Needy Program (MNP) provides Medicaid coverage when an individual's or family's income and/or resources are sufficient to meet basic needs in a categorical assistance program, but not sufficient to meet medical needs according to the MNP standards.

1. The income standard used in the MNP is the federal Medically Needy Income Eligibility Standard (MNIES).

2. Resources are not applicable to child-(C-) related MNP cases.

3. MNP eligibility cannot be considered prior to establishing income ineligibility in a categorically related assistance group.

B. MNP Eligibility Groups

1. Regular Medically Needy

a. Children and parents who meet all of the low-income families with children (LIFC) related categorical requirements and whose income is at or below the MNIES are eligible to receive Regular MNP benefits. Regular medically needy coverage is only applicable to individuals included in the C-related category of assistance.

b. Individuals in the aged (A-), blind (B-), or disability (D-) related categorical assistance groups cannot receive regular MNP.

c. The certification period for regular MNP cannot exceed six months.

2. Spend-Down Medically Needy

a. Spend-down MNP is considered after establishing financial ineligibility in regular MNP or other categorically related Medicaid programs and excess income remains. Allowable medical bills/expenses incurred by the income unit are used to reduce (spend-down) the income to the allowable MNP limits.

b. The following individuals may be considered for spend-down MNP:

i. individuals or families who meet all of the LIFC related categorical requirements;

ii. non-institutionalized individuals (A-, B-, or D-related categories); and

iii. institutionalized individuals or couples (A-, B-, or D-related categories) with Medicare co-insurance whose income has been spent down to the MNIES.

c. The certification period for spend-down MNP begins no earlier than the spend-down date and shall not exceed three months.

3. Long Term Care (LTC) Spend-Down MNP

a. Individuals or couples residing in Medicaid LTC facilities, not on Medicare-coinsurance with resources within the limits, but whose income exceeds the special income limits (three times the current federal benefit rate), are eligible for LTC spend-down MNP.

4. C-Related Caretaker Relative MNP

a. A qualified relative may be included in a C-related MNP certification as a caretaker relative. There must be at least one minor child applying for or enrolled in Medicaid. A caretaker relative for MNP purposes is an adult who:

i. is in the LIFC income unit with a minor child;

ii. is a qualified relative of a child who is eligible for supplemental security income (SSI), prohibited AFDC provisions (PAP), or child health and maternity program (CHAMP); and

iii. is not eligible for inclusion in the Medicaid certification of a sibling(s) because of income.

b. An essential person may be included with a qualified relative in an MNP caretaker relative certification, but there can be no essential person if there is no qualified relative certified in C-related MNP.

i. Stepparents or individuals who do not meet the above LIFC essential person criteria must qualify for Medicaid as individuals under the A, B, or D categorical assistance groups.

5. Louisiana Behavioral Health Partnership (LBHP) 1915(i) MNP

a. The LBHP Medically Needy Program is considered only for the individuals who meet the level of need requirements of §1915 of Title XIX of the Social Security Act, and who have been determined to be ineligible for other full Medicaid programs, including the Regular MNP and Spend-Down MNP.

b. LBHP 1915(i) MNP recipients are only eligible to receive behavioral health services through the LBHP. They do not qualify for other Medicaid covered services.

c. The certification period for LBHP 1915(i) Regular MNP recipients cannot exceed six months. For the LBHP 1915(i) spend-down MNP, the certification period begins no earlier than the spend-down date and shall not exceed three months.

C. The following services are covered in the medically needy program for non-1915(i) recipients:

1. inpatient and outpatient hospital services;
2. intermediate care facilities for persons with intellectual disabilities (ICF/ID) services;
3. intermediate care and skilled nursing facility (ICF and SNF) services;
4. physician services, including medical/surgical services by a dentist;
5. nurse midwife services;
6. certified registered nurse anesthetist (CRNA) and anesthesiologist services;
7. laboratory and x-ray services;
8. prescription drugs;
9. early and periodic screening, diagnosis and treatment (EPSDT) services;
10. rural health clinic services;
11. hemodialysis clinic services;
12. ambulatory surgical center services;
13. prenatal clinic services;
14. federally qualified health center services;
15. family planning services;
16. durable medical equipment;
17. rehabilitation services (physical therapy, occupational therapy, speech therapy);
18. nurse practitioner services;
19. medical transportation services (emergency and non-emergency);
20. home health services for individuals needing skilled nursing services;
21. chiropractic services;
22. optometry services;
23. podiatry services;
24. radiation therapy; and
25. behavioral health services.

D. The following behavioral health services are covered for LBHP 1915(i) MNP recipients:

1. inpatient and outpatient hospital services;
2. emergency medical services;
3. physician/psychiatrist services;
4. treatment by a licensed mental health professional;
5. community psychiatric support and treatment;
6. psychosocial rehabilitation;
7. crisis intervention;
8. case conference [1915(b) services];
9. treatment planning [1915(b) services]; and

10. prescription drugs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#042

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

Medicaid Eligibility
Provisional Medicaid Program
(LAC 50:III.2305)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:III.2305 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Section 1902(a)(10) of Title XIX of the Social Security Act and Section 435.210 of Title 42 of the *Code of Federal Regulations* (CFR) provides states with the option to cover individuals under their Medicaid State Plan who are aged or have a disability, and who meet the income and resource requirements for supplemental security income (SSI) cash assistance. These individuals must be referred to the Social Security Administration (SSA) for assistance as there currently is no eligibility category under the Medicaid Program to provide them with Medicaid benefits. Their Medicaid eligibility is contingent upon a favorable decision for SSI cash assistance.

Pursuant to Section 1902(a)(10) of Title XIX of the Social Security Act and 42 CFR 435.210, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions to include this optional coverage group under the Medicaid state plan by implementing the Provisional Medicaid Program (*Louisiana Register*, Volume 40, Number 2). This Medicaid program provides interim Medicaid-only benefits to eligible individuals until such time that a decision has been rendered on their SSI cash assistance application pending with the Social Security Administration. This Emergency Rule is being promulgated to continue the provisions of the February 9, 2014 Emergency Rule.

This action is being taken to avoid imminent peril to the health and safety of certain individuals who would have to

wait for a Social Security Administration decision to receive Medicaid benefits in order to obtain necessary medical care.

Effective June 10, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing hereby adopts provisions to implement the Provisional Medicaid Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2305. Provisional Medicaid Program

A. The Provisional Medicaid Program provides interim Medicaid-only coverage to individuals who:

1. are aged or have a disability;
2. meet income and resource requirements for supplemental security income (SSI) cash assistance; and
3. have applied for benefits through the Social Security Administration (SSA) and are awaiting a decision on the pending application.

a. Applicants shall have 90 days from the date of Medicaid application to provide proof to the department of a pending application with SSA. If proof of a pending application with SSA is not received timely, after notification by the department has been issued, interim Medicaid benefits shall be terminated.

b. Individuals who would be ineligible for SSI cash assistance due to factors other than excess income and resources or meeting the disability criteria of the program are exempt from the requirement to have a pending application for benefits with the Social Security Administration (SSA).

B. The Provisional Medicaid Program provides coverage to individuals with income equal to or less than the federal benefit rate (FBR), and resources that are equal to or less than the resource limits of the SSI cash assistance program.

C. A certification period for the Provisional Medicaid Program shall not exceed six months, and shall end upon the final decision being rendered on the recipient's pending application for benefits through the SSA, whether the outcome is receipt of benefits or denial of benefits due to excess income and resources or not meeting SSA's disability or age criteria.

D. Retroactive coverage up to three months prior to the receipt of the Medicaid application shall be available to recipients in the Provisional Medicaid Program.

1. Any retroactive coverage period shall not be prior to the implementation date of the Provisional Medicaid Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to

MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#041

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Nursing Facilities
Licensing Standards
(LAC 48:I.9704, 9707, and Chapter 99)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.9704, §9707 and Chapter 99 in the Medical Assistance Program as authorized by R.S. 36:254. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, 49:953(B)(1)et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend the licensing standards governing nursing facilities in order to clarify the provisions for Alzheimer's special care disclosure, and to revise the provisions governing approval of plans and physical environment.

This action is being taken to promote the health and well-being of Louisiana residents in nursing facilities. It is estimated that implementation of this Emergency Rule will have no programmatic costs for state fiscal year 2014-15.

Effective May 20, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the licensing standards for nursing facilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 97. Nursing Facilities

Subchapter A. General Provisions

§9704. Alzheimer's Special Care Disclosure

A. - D.5. ...

E. The provider's Alzheimer's special care disclosure documentation shall contain the following information:

1. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1300.121-1300.125.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 27:312 (March 2001), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§9707. Approval of Plans

A. Plans and specifications for new construction of, or to, a nursing facility, and for any major alterations or renovations to a nursing facility, shall be submitted for approval to the Department of Public Safety, Office of the

State Fire Marshal for review in accordance with R.S. 40:1563(L), R.S. 40:1574 and LAC 55:V.Chapter 3.

1. Plans and specifications for new construction, major alterations, and major renovations shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer where required by the Louisiana architecture and engineering licensing laws of R.S. 37:141, et seq., R.S. 37:681 et seq., and respective implementing regulations.

2. No residential conversions shall be considered for a nursing facility license.

B. The plans and specifications shall comply with all of the following:

1. DHH nursing facility licensing requirements and the Office of Public Health's (OPH) nursing home regulations (see LAC 51:XX); and

2. the Office of the State Fire Marshal's requirements for plan submittals and compliance with all codes required by that office.

2.a - 3. Repealed.

C. Notice of satisfactory review from the department and the Office of the State Fire Marshal constitutes compliance with this requirement, if construction begins within 180 days of the date of such notice. This approval shall in no way permit and/or authorize any omission or deviation from the requirements of any restrictions, laws, regulations, ordinances, codes, or rules of any responsible agency.

C.1. - E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:46 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2630 (September 2011), amended LR 40:

Chapter 99. Nursing Facilities

Subchapter A. Physical Environment

§9901. General Provisions

A. The nursing facility shall be designed, constructed, equipped, and maintained to protect the health and safety of residents, personnel, and the public.

B. The nursing facility shall provide a safe, clean, orderly, homelike environment.

C. If the nursing facility determines that a licensing provision of this Subchapter A prohibits the provision of a culture change environment, the nursing facility may submit a written waiver request to the Health Standards Section (HSS) of the Department of Health and Hospitals, asking that the provision be waived and providing an alternative to the licensing provision of this subchapter. The department shall consider such written waiver request, shall consider the health and safety concerns of such request and the proposed alternative, and shall submit a written response to the nursing facility within 60 days of receipt of such waiver request.

D. Any construction-related waiver or variance request of any provision of the *Public Health—Sanitary Code* (LAC 51) shall be submitted in writing to the State Health Officer for his/her consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:62 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§9903. Nurse/Care Team Work Areas

A. Each floor and/or household of a nursing facility shall have a nurse/care team work area in locations that are suitable to perform necessary functions. These nurse/care team work areas may be in centralized or decentralized locations, as long as the locations are suitable to perform necessary functions.

1. Each centralized nurse/care team area shall be equipped with working space and accommodations for recording and charting purposes by nursing facility staff with secured storage space for in-house resident records.

a. Exception. Accommodations for recording and charting are not required at the central work area where decentralized work areas are provided.

2. Each decentralized work area, where provided, shall contain working space and accommodations for recording and charting purposes with secured storage space for administrative activities and in-house resident records.

3. The nurse/care team work areas shall be equipped to receive resident calls through a communication system from resident rooms, toileting and bathing facilities.

a. In the case of an existing centralized nurse/care team work area, this communication may be through audible or visible signals and may include wireless systems.

b. In those facilities that have moved to decentralized nurse/care team work areas, the facility may utilize other electronic systems that provide direct communication from the resident to the staff.

B. There shall be a medicine preparation room or area. Such room or area shall contain a work counter, preparation sink, refrigerator, task lighting and lockable storage for controlled drugs.

C. There shall be a clean utility room on each floor designed for proper storage of nursing equipment and supplies. Such room shall contain task lighting and storage for clean and sterile supplies.

D. There shall be a separate soiled utility room designed for proper cleansing, disinfecting and sterilizing of equipment and supplies. At a minimum, it shall contain a clinical sink or equivalent flushing-rim sink with a rinsing hose or bed pan sanitizer, hand washing facilities, soiled linen receptacles and waste receptacle. Each floor of a nursing facility shall have a soiled utility room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:62 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§9905. Resident Rooms

A. ...

B. Each resident's bedroom shall have a floor at or above grade level, shall accommodate a maximum of two residents, and be so situated that passage through another resident's bedroom is unnecessary.

1. Exception. Resident bedrooms in existing nursing facilities shall be permitted to accommodate no more than four residents unless the cost of renovations to the existing nursing facility exceeds the values stipulated by R.S. 40:1574.

C. Private resident bedrooms shall measure at least 121 square feet of bedroom area, exclusive of wardrobes, closet space, vestibules or toilet rooms, and shall have a clear width of not less than 11 feet.

D. Double occupancy resident bedrooms containing two beds shall measure at least 198 square feet of bedroom area, exclusive of wardrobes, closet space, vestibules or toilet rooms, and shall have a clear width of not less than 11 feet.

E. In existing nursing facilities, or portions thereof, where plans were approved by the department and the Office of State Fire Marshal prior to January 20, 1998, there shall be at least three feet between the sides and foot of the bed and any wall, other fixed obstruction, or other bed, unless the furniture arrangement is the resident's preference and does not interfere with service delivery.

F. Each resident's bedroom shall have at least one window to the outside atmosphere with a maximum sill height of 36 inches. Windows with sills less than 30 inches from the floor shall be provided with guard rails.

1. Each resident's bedroom window shall be provided with shades, curtains, drapes, or blinds.

2. Operable windows shall be provided with screens.

G - H. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:62 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§9907. Resident Room Furnishings

A. ...

1. a clean supportive frame in good repair;

2. - 5. ...

B. Screens or noncombustible ceiling-suspended privacy curtains which extend around the bed shall be provided for each bed in multi-resident bedrooms to assure resident privacy. Total visual privacy without obstructing the passage of other residents either to the corridor, closet, lavatory, or adjacent toilet room nor fully encapsulating the bedroom window shall be provided.

C. Each resident shall be provided with a call device located within reach of the resident.

D. Each resident shall be provided a bedside table with at least two drawers. As appropriate to resident needs, each resident shall have a comfortable chair with armrests, waste receptacle, and access to mirror unless medically contraindicated.

1. Each resident who has tray service to his/her room shall be provided with an adjustable overbed table positioned so that the resident can eat comfortably.

E. Each resident shall be provided an individual closet that has minimum dimensions of 1 foot 10 inches in depth by 2 feet 6 inches in width. A clothes rod and shelf shall be provided that is either adjustable or installed at heights accessible to the resident. Accommodations shall be made

for storage of full-length garments. The shelf may be omitted if the closet provides at least two drawers. The following exceptions may apply.

1. Individual wardrobe units having nominal dimensions of 1 foot 10 inches in depth by 2 feet 6 inches in width are permitted. A clothes rod and shelf shall be provided that is either adjustable or installed at heights accessible to the resident. Accommodations shall be made for storage of full-length garments. The shelf may be omitted if the unit provides at least two drawers.

2. In existing nursing facilities, or portions thereof, where plans were approved by the department and the State Fire Marshal prior to January 20, 1998, each resident shall be provided an individual wardrobe or closet that has nominal dimensions of 1 foot 10 inches in depth by 2 feet in width.

F. Each resident shall be provided with a bedside light or over-the-bed light capable of being operated from the bed.

1. Nursing facilities, or portions thereof, where plans were approved by the department and the state fire marshal prior to May 1, 1997 shall be exempt from this provision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:63 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§9909. Locked Units, Restraints and Seclusion

A. Locked Units

1. Nursing facilities may have specific locked units for housing residents suffering from severe dementia or Alzheimer's disease. The locked units may only house, limit and restrict free access of those residents suffering from severe dementia or Alzheimer's who may be a danger to themselves or others.

2. Nursing facilities providing locked units shall develop admission criteria. There shall be documentation in the resident's record to indicate the unit is the least restrictive environment possible, and placement in the unit is needed to facilitate meeting the resident's needs.

3. Guidelines for admission shall be provided to the resident, his/her family and his/her authorized representative.

4. Locked units are designed and staffed to provide the care and services necessary for the resident's needs to be met.

a. The locked unit shall have designated space for dining and/or group and individual activities that is separate and apart from the resident bedrooms and bathrooms.

b. The dining space shall contain tables for eating within the locked unit.

c. The activities area(s) shall contain seating, and be accessible to the residents within the locked unit.

5. There shall be sufficient staff to respond to emergency situations in the locked unit at all times.

6. The resident on the locked unit has the right to exercise those rights which have not been limited as a result of admission to the unit.

7. Care plans shall address the reasons for the resident being in the unit and how the nursing facility is meeting the resident's needs.

8. All staff designated to provide care and services on locked units shall have training regarding unit policies and procedures, admission and discharge criteria, emergency situations and the special needs of the residents on the unit.

9. Admission to a locked unit shall be in compliance with R.S. 40:1299.53 and 40:2010.8.

B. Restraints. The resident has the right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat the resident's medical symptoms.

C. Seclusion. The resident has the right to be free from verbal, sexual, physical and mental abuse, corporal punishment, and involuntary seclusion.

D. - G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:63 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§9911. Hand-Washing Stations, Toilet Rooms and Bathing Facilities

A. A hand-washing station shall be provided in each resident room.

1. Omission of this station shall be permitted in a single-bed or two-bed room when a hand-washing station is located in an adjoining toilet room that serves that room only.

B. Each resident shall have access to a toilet room without having to enter the corridor area. In nursing facilities built prior to August 26, 1958, each floor occupied by residents shall be provided with a toilet room and hand-washing station.

1. One toilet room shall serve no more than two residents in new construction or no more than two resident rooms in renovation projects. In nursing facilities built prior to August 26, 1958, toilets and hand-washing stations shall each be provided at a rate of 1 per 10 beds or fraction thereof.

2. Toilet rooms shall be easily accessible, conveniently located, well lighted and ventilated to the outside atmosphere. Fixtures shall be of substantial construction, in good repair and of such design to enable satisfactory cleaning.

3. Separate male and female toilet rooms for use by staff and guests shall be provided.

4. Each toilet room shall contain a toilet, hand-washing station and mirror.

5. Doors to single-use resident toilet rooms shall swing out of the room.

6. Doors to single-use resident toilet rooms shall be permitted to utilize privacy locks that include provisions for emergency access.

7. In multi-use toilet rooms provisions shall be made for resident privacy.

C. Each floor occupied by residents shall be provided with a bathing facility equipped with a toilet, hand-washing station, and bathing unit consisting of a bathtub, shower, or whirlpool unit.

Table. Repealed.

1. A minimum of one bathtub, shower, or whirlpool unit shall be provided for every 10 residents, or fraction

thereof, not otherwise served by bathing facilities in resident rooms. In nursing facilities built prior to August 26, 1958, showers or tubs shall each be provided at a rate of 1 per 15 beds or fraction thereof.

2. Bathing facilities shall be easily accessible, conveniently located, well lighted and ventilated to the outside atmosphere. Fixtures shall be of substantial construction, in good repair, and of such design to enable satisfactory cleaning.

3. Tub and shower bottoms shall be of nonslip material. Grab bars shall be provided to prevent falling and to assist in maneuvering in and out of the tub or shower.

4. Separate bathing facilities shall be provided for employees who live on the premises.

5. In multi-use bathing facilities provisions shall be made for resident privacy.

6. Wall switches for controlling lighting, ventilation, heating or any other electrical device shall be so located that they cannot be reached from a bathtub, shower, or whirlpool.

D. - H. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:63 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§9913. Dining and Resident Activities

A. The nursing facility shall provide one or more areas designated for resident dining and activities.

B. Smoking is not permitted in the dining room and other public areas as specified by R.S. 40:1300.256(B)(11).

C. Dining room(s) or dining area(s) shall be sufficient in space and function to accommodate the needs of the residents without restriction. Dining areas shall be adequately furnished, well lighted, and well ventilated. Dining areas shall be sufficient in space to comfortably accommodate the persons who usually occupy that space, including persons who utilize walkers, wheelchairs and other ambulating aids or devices.

D. There shall be at least one well lighted and ventilated living/community room with sufficient furniture.

E. There shall be sufficient space and equipment to comfortably accommodate the residents who participate in group and individual activities. These areas shall be well lighted and ventilated and be adequately furnished to accommodate all activities.

F. Areas used for corridor traffic or for storage of equipment shall not be considered as areas for dining or activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§9915. Linen and Laundry

A. The nursing facility shall have available, at all times, a quantity of bed and bath linen essential for proper care and comfort of residents.

B. - G. ...

H. Clean linen shall be transported and stored in a manner to prevent its contamination.

I. Nursing facilities providing in-house laundry services shall have a laundry system designed to eliminate crossing of soiled and clean linen.

J. Nursing facilities that provide in house laundry services and/or household washers and dryers shall have policies and procedures to ensure safety standards, infection control standards and manufacturer's guidelines are met.

K. There shall be hand washing facilities available for use in any designated laundry area.

L. Provisions shall be made for laundering personal clothing of residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§9917. Equipment and Supplies

A. The nursing facility shall maintain all essential mechanical, electrical, and resident care equipment in safe operating condition.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§9919. Other Environmental Conditions

A. A hard surfaced off-the-road parking area to provide parking for one car per five licensed beds shall be provided. This is a minimum requirement and may be exceeded by local ordinances. Where this requirement would impose an unreasonable hardship, a written request for a lesser amount may be submitted to the department for waiver consideration.

B. The nursing facility shall make arrangements for an adequate supply of safe potable water even when there is a loss of normal water supply. Service from a public water supply must be used, if available. Private water supplies, if used, shall meet the requirements of the LAC Title 51, *Public Health—Sanitary Code*.

C. An adequate supply of hot water shall be provided which shall be adequate for general cleaning, washing and sanitization of cooking and food service dishes and other utensils and for bathing and laundry use. Hot water supply to the hand washing and bathing faucets in the resident areas shall have automatic control to assure a temperature of not less than 100°F, nor more than 120°F, at the faucet outlet. Supply system design shall comply with the Louisiana State Plumbing Code and shall be based on accepted engineering procedures using actual number and types of fixtures to be installed.

D. The nursing facility shall be connected to the public sewerage system, if such a system is available. Where a public sewerage is not available, the sewerage disposal system shall conform to the requirements of the LAC Title 51, *Public Health—Sanitary Code*.

E. The nursing facility shall maintain a comfortable sound level conducive to meeting the need of the residents.

F. All plumbing shall be properly maintained and conform to the requirements of the LAC Title 51, *Public Health—Sanitary Code*.

G. All openings to the outside atmosphere shall be effectively screened. Exterior doors equipped with closers in air conditioned buildings need not have screens.

H. Each room used by residents shall be capable of being heated to a minimum of 71°F in the coldest weather and capable of being cooled to a maximum of 81°F in the warmest weather.

I. Lighting levels in all areas shall be adequate to support task performance by staff personnel and independent functioning of residents. A minimum of 6' to 10' candelas over the entire stairway, corridors, and resident rooms measured at an elevation of 30 inches above the floor and a minimum of 20' to 30' candelas over areas used for reading or close work shall be available.

J. Corridors used by residents shall be equipped on each side with firmly secured handrails, affixed to the wall. Handrails shall comply with the requirements of the state adopted accessibility guidelines.

K. There shall be an effective pest control program so that the nursing facility is free of pest and rodent infestation.

L. - R. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#032

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Nursing Facilities
Per Diem Rate Reduction
(LAC 50:II.20005)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:II.20005 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

For state fiscal year 2014-15, state general funds are required to continue nursing facility rates at the rebased level. Because of the fiscal constraints on the state's budget, the state general funds will not be available to sustain the increased rate. Consequently, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend the provisions governing the reimbursement methodology for nursing facilities in order to reduce the per diem rates paid to non-state nursing facilities. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$569,071,067 for state fiscal year 2014-2015.

Effective July 1, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for nursing facilities to reduce the reimbursement rates for non-state nursing facilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part II. Nursing Facilities

Subpart 5. Reimbursement

Chapter 200. Reimbursement Methodology

§20005. Rate Determination

[Formerly LAC 50:VII.1305]

A. - O. ...

P. Reserved.

Q. Effective for dates of service on or after July 1, 2014, the per diem rate paid to non-state nursing facilities, shall be reduced by \$90.26 of the rate in effect on June 30, 2014 until such time that the rate is rebased.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1791 (August 2002), amended LR 31:1596 (July 2005), LR 32:2263 (December 2006), LR 33:2203 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:325 (February 2010), repromulgated LR 36:520 (March 2010), amended LR 36:1556 (July 2010), LR 36:1782 (August 2010), LR 36:2566 (November 2010), LR 37:092 (March 2011), LR 37:1174 (April 2011), LR 37:2631 (September 2011), LR 38:1241 (May 2012), LR 39:1286 (May 2013), LR 39:3097 (November 2013), LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#033

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Outpatient Hospital Services
Public-Private Partnerships
South Louisiana Area
(LAC 50:V.6703)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.6703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing outpatient hospital services to establish supplemental Medicaid payments to non-state owned hospitals in order to encourage them to take over the operation and management of state-owned hospitals that have terminated or reduced services (*Louisiana Register*, Volume 38, Number 11). Participating non-state owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-private partnership initiative. The department promulgated an Emergency Rule which amended the provisions of the November 1, 2012 Emergency Rule to revise the reimbursement methodology in order to correct the federal citation (*Louisiana Register*, Volume 39, Number 3). The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient services provided by non-state owned major teaching hospitals participating in public-private partnerships which assume the provision of services that were previously delivered and terminated or reduced by a state owned and operated facility (*Louisiana Register*, Volume 39, Number 4). The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient services provided by non-state owned hospitals participating in public-private partnerships to establish payments for hospitals located in the Lafayette and New Orleans areas (*Louisiana Register*, Volume 39, Number 7).

The department promulgated an Emergency Rule which amended the provisions of the June 24, 2013 Emergency Rule to remove the New Orleans Area hospital which was erroneously included in these provisions (*Louisiana Register*, Volume 39, Number 10). This Emergency Rule is being promulgated to continue the provisions of the October 20, 2013 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to much needed hospital services.

Effective June 19, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for outpatient hospital services provided by non-state owned hospitals participating in public-private partnerships.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 67. Public-Private Partnerships

§6703. Reimbursement Methodology

A. - B.5. Reserved.

C. Baton Rouge Area Cooperative Endeavor Agreement

1. The Department of Health and Hospitals shall enter into a cooperative endeavor agreement with a non-state owned and operated hospital to increase its provision of outpatient Medicaid hospital services by providing services that were previously delivered and terminated by the state-owned and operated facility in Baton Rouge.

2. A quarterly supplemental payment may be made to this qualifying hospital for outpatient services based on dates of service on or after April 15, 2013. Payments may be made quarterly based on the annual upper payment limit calculation per state fiscal year. Maximum payments shall not exceed the upper payment limit per 42 CFR 447.321.

D. Lafayette Area Cooperative Endeavor Agreement

1. The Department of Health and Hospitals shall enter into a cooperative endeavor agreement with a non-state owned and operated hospital to increase its provision of outpatient Medicaid hospital services by assuming the management and operation of services at a facility in Lafayette where such services were previously provided by a state owned and operated facility.

2. Effective for dates of service on or after June 24, 2013, a quarterly supplemental payment may be made to this qualifying hospital for outpatient services. Payments may be made quarterly based on the annual upper payment limit calculation per state fiscal year. Maximum payments shall not exceed the upper payment limit per 42 CFR 447.321.

E. - E.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR: 40

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#043

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

**Outpatient Hospital Services
Removal of Emergency Room Visit Limits**

The Department of Health and Hospitals, Bureau of Health Services Financing amends the August 20, 1983 Rule governing outpatient hospital services covered in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Human Resources, Office of Family Security promulgated a Rule governing outpatient hospital services that placed limits on the number of visits for selected services (*Louisiana Register*, Volume 9, Number 8), including emergency room services.

The U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services (CMS) notified the department that the current provisions governing outpatient hospital services covered in the Medicaid state plan were no longer consistent with federal regulations due to the visit limits placed on emergency room services. To ensure compliance with federal regulations, the department has now determined that it is necessary to amend the August 20, 1983 Rule governing outpatient hospital services to remove the visit limits on emergency room services.

This action is being taken to avoid federal sanctions from CMS. It is estimated that the implementation of this Emergency Rule will have no fiscal impact to the Medicaid Program for state fiscal year 2013-14.

Effective June 1, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions of the August 20, 1983 Rule governing outpatient hospital services to remove the visit limits on emergency room services.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#034

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services

Personal Care Services—Long-Term
Freedom of Choice and Service Delivery
(LAC 50:XV.12901 and 12913)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XV.12901 and §12913 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides long-term personal care services (LT-PCS) under the Medicaid state plan. The department has now determined it is necessary to amend the provisions governing LT-PCS in order to restrict the number of participants an individual can concurrently represent, and to adopt provisions for the removal of service providers from the waiver freedom of choice list when certain departmental proceedings are pending against the provider, and to offer freedom of choice to the provider's waiver participants. This Emergency Rule also clarifies the provisions governing service delivery.

Effective May 20, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the provisions governing long-term personal care services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 9. Personal Care Services

Chapter 129. Long Term Care

§12901. General Provisions

A. - F.2.b. ...

3. No individual may concurrently serve as a responsible representative for more than two participants in OAAS-operated Medicaid home and community-based service programs. This includes but is not limited to:

- a. the Program of All-Inclusive Care for the Elderly;
- b. long-term personal care services;
- c. the community choices waiver; and
- d. the adult day health care waiver.

G. The Department of Health and Hospitals may remove an LT-PCS service provider from the LT-PCS provider freedom of choice list and offer freedom of choice to LT-PCS participants when:

1. one or more of the following departmental proceedings are pending against a LT-PCS participant's service provider:

- a. revocation of the provider's home and community-based services license;
 - b. exclusion from the Medicaid Program;
 - c. termination from the Medicaid Program; or
 - d. withholding of Medicaid reimbursement as authorized by the department's surveillance and utilization review (SURS) Rule (LAC 50:I.Chapter 41);
2. the service provider fails to timely renew its home and community-based services license as required by the home and community-based services providers licensing standards Rule (LAC 48:I.Chapter 50); or
3. the service provider's assets have been seized by the Louisiana Attorney General's Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:911 (June 2003), amended LR 30:2831 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 32:2082 (November 2006), LR 34:2577 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2450 (November 2009), LR 39:2506 (September 2013), LR 40:

§12913. Service Delivery

A. - B. ...

C. Participants are not permitted to receive LT-PCS while living in a home or property owned, operated, or controlled by an owner, operator, agent, or employee of a licensed provider of long-term care services, and providers are prohibited from providing and billing for services under these circumstances. Participants may not live in the home of a direct support worker unless the direct support worker is related by blood or marriage to the participant.

1. The provisions of §12913.C may be waived with prior written approval by OAAS or its designee.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended LR 30:2833 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2509 (September 2013), LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#035

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Pregnant Women Extended Services
Dental Services
Program Termination
(LAC 50:XV.Chapter 161)

The Department of Health and Hospitals, Bureau of Health Services Financing repeals LAC 50:XV.Chapter 161 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 13 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for dental services to reduce the reimbursement rates for services rendered to Medicaid eligible pregnant women (*Louisiana Register*, Volume 37, Number 11). Due to a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for dental services rendered to Medicaid eligible pregnant women to reduce the reimbursement rates (*Louisiana Register*, Volume 38, Number 7).

Due to a continuing budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which repealed the provisions governing dental services rendered to Medicaid eligible pregnant women in order to terminate these services (*Louisiana Register*, Volume 39, Number 1). Dental services provided in the Pregnant Women Extended Services Program were an optional covered service under the Medicaid state plan. This Emergency Rule is being promulgated to continue the provisions of the February 1, 2013 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective May 31, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing repeals the provisions governing dental services rendered to Medicaid eligible pregnant women in order to terminate the program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 13. Pregnant Women Extended Services

Chapter 161. Dental Services

§16101. Recipient Qualifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), amended LR 30:2834 (December 2004), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§16103. Provider Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§16105. Covered Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), amended LR 34:442 (March 2008), LR 34:1419 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1902 (September 2009), repealed LR 40:

§16107. Reimbursement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1902 (September 2009), LR 36:2044 (September 2010), LR 37:3270 (November 2011), repealed LR 40:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#044

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Professional Services Program
Immunizations
Reimbursement Methodology
(LAC 50:IX.8305 and 8505)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:IX.8305 and §8505 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health (OPH) adopted provisions to establish Medicaid payment of uncompensated care costs for the administration of vaccines rendered by OPH to Medicaid eligible recipients (*Louisiana Register*, Volume 39, Number 1).

The Patient Protection and Affordable Care Act (PPACA) requires states to reimburse certain primary care services, including the administration of specified immunizations (if they were covered), at an increased rate. In compliance with PPACA and federal regulations, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for Medicaid payments to providers for the administration of certain vaccines to children to increase the reimbursement rates (*Louisiana Register*, Volume 39, Number 1). The provisions governing an increase in rates for the administration of certain vaccines to adults were inadvertently omitted from the January 1, 2013 Emergency Rule. The department promulgated an Emergency Rule which amended the January 1, 2013 Emergency Rule in order to incorporate provisions governing an increase in rates for the administration of certain vaccines to adults and to revise the payment methodology (*Louisiana Register*, Volume 39, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 20, 2013 Emergency Rule. This action is being taken to avoid federal sanctions and to secure enhanced federal funding.

Effective June 19, 2014 the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for the administration of immunizations.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 7. Immunizations

Chapter 83. Children's Immunizations

§8305. Reimbursement Methodology

A. - C.3.a. ...

D. Effective for dates of service on or after January 1, 2013 through December 31, 2014, certain vaccine administration services shall be reimbursed at payment rates consistent with the methodologies that apply to such services

and physicians under part B of title XVIII of the Social Security Act (Medicare) and the Vaccines for Children (VFC) Program.

1. The following vaccine service codes, when covered by the Medicaid Program and provided under the VFC Program, shall be reimbursed at an increased rate:

a. 90471, 90472, 90473 and 90474; or

b. their successor codes as specified by the U.S. Department of Health and Human Services.

2. Qualifying Criteria. Reimbursement shall be limited to specified services furnished by a physician, either a doctor of osteopathy or a medical doctor or under the personal supervision of a physician, who attests to a specialty or subspecialty designation in family medicine, general internal medicine or pediatrics, and also attests to meeting one or more of the following criteria:

a. certification as a specialist or subspecialist within family medicine, general internal medicine or pediatric medicine by the American Board of Medical Specialists (ABMS), the American Board of Physician Specialties (ABPS), or the American Osteopathic Association (AOA); or

b. specified evaluation and management and vaccine services that equal at least 60 percent of total Medicaid codes paid during the most recently completed calendar year, or for newly eligible physicians the prior month.

3. Payment Methodology. For vaccine administration services provided under the Vaccines for Children Program in calendar years 2013 and 2014, the reimbursement shall be the lesser of the:

a. regional maximum administration fee; or

b. Medicare fee schedule rate in calendar years 2013 or 2014 that reflects the mean value over all parishes (counties) of the rate for each of the specified code(s) or, if greater, the payment rates that would be applicable in those years using the calendar year 2009 Medicare physician fee schedule conversion factor multiplied by the calendar year 2013 and 2014 relative value units in accordance with 42 CFR 447.405 as approved by the Centers for Medicare and Medicaid Services.

4. The department shall make a payment to the provider for the difference between the Medicaid rate and the increased rate, if any.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:71 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Chapter 85. Adult Immunizations

§8505. Reimbursement Methodology

A. - B.3.a. ...

C. Effective for dates of service on or after January 1, 2013 through December 31, 2014, certain vaccine administration services shall be reimbursed at payment rates consistent with the methodology that applies to such services and physicians under part B of title XVIII of the Social Security Act (Medicare).

1. The following vaccine service codes, when covered by the Medicaid Program, shall be reimbursed at an increased rate:

- a. 90471, 90472, 90473 and 90474; or
- b. their successor codes as specified by the U.S.

Department of Health and Human Services.

2. Qualifying Criteria. Reimbursement shall be limited to specified services furnished by a physician, either a doctor of osteopathy or a medical doctor or under the personal supervision of a physician, who attests to a specialty or subspecialty designation in family medicine, general internal medicine or pediatrics, and also attests to meeting one or more of the following criteria:

- a. certification as a specialist or subspecialist within family medicine, general internal medicine or pediatric medicine by the American Board of Medical Specialists (ABMS), the American Board of Physician Specialties (ABPS), or the American Osteopathic Association (AOA); or

- b. specified evaluation and management and vaccine services that equal at least 60 percent of total Medicaid codes paid during the most recently completed calendar year, or for newly eligible physicians the prior month.

3. Payment Methodology. For vaccine administration services provided in calendar years 2013 and 2014, the reimbursement shall be the lesser of the:

- a. Medicare fee schedule rate in calendar years 2013 or 2014 that reflects the mean value over all parishes (counties) of the rate for each of the specified code(s) or, if greater, the payment rates that would be applicable in those years using the calendar year 2009 Medicare physician fee schedule conversion factor multiplied by the calendar year 2013 and 2014 relative value units in accordance with 42 CFR 447.405 as approved by the Centers for Medicare and Medicaid Services; or
- b. provider's actual billed charges for the service.

4. The department shall make a payment to the provider for the difference between the Medicaid rate and the increased rate, if any.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#045

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Professional Services Program
Physicians Services
Reimbursement Methodology
(LAC 50:IX.15113)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:IX.15113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2013, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for physician services to reduce the reimbursement rates and discontinue reimbursement for certain procedures (*Louisiana Register*, Volume 39, Number 12). The department has now determined it is necessary to amend the provisions governing the reimbursement methodology for physician services to adopt a manual pricing payment methodology for covered services that do not have Medicare established rates. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to Medicaid covered services. It is estimated that the implementation of this Emergency Rule will have no fiscal impact to the Medicaid Program for state fiscal year 2013-14.

Effective May 20, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for physician services covered in the Professional Services Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter B. Physician Services

§15113. Reimbursement

- A. - I.3. ...
- J. - J.4. Reserved.
- K. ...

- L. The reimbursement for newly payable services not covered by Medicare, when there is no established rate set by Medicare, shall be based on review of statewide billed charges for that service in comparison with set charges of a similar service.

1. If there is no similar procedure or service, the reimbursement shall be based upon a consultant physicians' review and recommendations.

2. For procedures which do not have established Medicare fees, the Department of Health and Hospitals, or its designee, shall make determinations based upon a review

of statewide billed charges for that service in comparison with set charges for similar services.

3. Reimbursement shall be the lesser of the billed charges or the Medicaid fee on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3301 (December 2013), LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#036

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Professional Services Program
Physicians Services
Reimbursement Methodology
(LAC 50:IX.15113)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:IX.15113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for physician services to increase the reimbursement rates for obstetric delivery services (*Louisiana Register*, Volume 37, Number 3).

As a result of a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for physician services to reduce the reimbursement rates and discontinue reimbursement for certain procedures (*Louisiana Register*, Volume 38, Number 7). The department subsequently amended the provisions of the July 1, 2012 Emergency Rule in order to revise the formatting to ensure that these provisions are promulgated in a clear and concise manner (*Louisiana Register*, Volume 38, Number 10).

The Patient Protection and Affordable Care Act (PPACA) requires states to reimburse certain primary care services at an increased rate. In compliance with PPACA and federal regulations, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for physician services in order to increase the reimbursement rates (*Louisiana Register*, Volume 39, Number 1).

The department promulgated an Emergency Rule which amended the provisions of the January 1, 2013 Emergency Rule in order to revise the payment methodology and to correct the formatting of these provisions as a result of the promulgation of the October 20, 2012 Emergency Rule governing the reimbursement methodology for physician services (*Louisiana Register*, Volume 39, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 20, 2013 Emergency Rule. This action is being taken to avoid federal sanctions and to secure enhanced federal funding.

Effective June 19, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for physician services covered in the Professional Services Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter B. Physician Services

§15113. Reimbursement Methodology

A. - I.3. ...

J. Effective for dates of service on or after January 1, 2013 through December 31, 2014, certain physician services shall be reimbursed at payment rates consistent with the methodology that applies to such services and physicians under part B of title XVIII of the Social Security Act (Medicare).

1. The following physician service codes, when covered by the Medicaid Program, shall be reimbursed at an increased rate:

a. evaluation and management codes 99201 through 99499; or

b. their successor codes as specified by the U.S. Department of Health and Human Services.

2. Qualifying Criteria. Reimbursement shall be limited to specified services furnished by or under the personal supervision of a physician, either a doctor of osteopathy or a medical doctor, who attests to a specialty or subspecialty designation in family medicine, general internal medicine or pediatrics, and who also attests to meeting one or more of the following criteria:

a. certification as a specialist or subspecialist in family medicine, general internal medicine or pediatric medicine by the American Board of Medical Specialists (ABMS), the American Board of Physician Specialties (ABPS), or the American Osteopathic Association (AOA); or

b. specified evaluation and management and vaccine services that equal at least 60 percent of total Medicaid codes paid during the most recently completed

calendar year, or for newly eligible physicians the prior month.

3. Payment Methodology. For primary care services provided in calendar years 2013 and 2014, the reimbursement shall be the lesser of the:

a. Medicare part B fee schedule rate in calendar years 2013 or 2014 that is applicable to the place of service and reflects the mean value over all parishes (counties) of the rate for each of the specified codes or, if greater, the payment rates that would be applicable in those years using the calendar year 2009 Medicare physician fee schedule conversion factor multiplied by the calendar year 2013 and 2014 relative value units in accordance with 42 CFR 447.405. If there is no applicable rate established by Medicare, the reimbursement shall be the rate specified in a fee schedule established and announced by the Centers for Medicare and Medicaid Services (CMS); or

b. provider's actual billed charge for the service.

4. The department shall make payment to the provider for the difference between the Medicaid rate and the increased rate, if any.

K. - K.I. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 40:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#046

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Rehabilitation Clinics
Physical and Occupational Therapies
Reimbursement Rate Increase
(LAC 50:XI.301 and 303)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XI.301 and §303 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid reimbursement for physical, occupational and speech

therapies provided in rehabilitation clinics to recipients under the age of 21.

Due to a budgetary shortfall in state fiscal year 2013, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing rehabilitation clinics in order to terminate the coverage and Medicaid reimbursement of services rendered to recipients 21 years of age and older (*Louisiana Register*, Volume 39, Number 1). In compliance with a court order from the *Melanie Chisholm, et al vs. Kathy Kliebert* class action litigation, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the reimbursement methodology for rehabilitation clinics in order to increase the reimbursement rates for physical and occupational therapy services rendered to recipients under the age of 21 (*Louisiana Register*, Volume 40, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 13, 2014 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to therapy services provided by rehabilitation clinics.

Effective June 14, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for rehabilitation clinics in order to increase the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 1. Rehabilitation Clinics

Chapter 3. Reimbursement

§301. Reimbursement Methodology

A. The Medicaid Program provides reimbursement for physical therapy, occupational therapy and speech therapy rendered in rehabilitation clinics to recipients under the age of 21.

B. Effective for dates of service on or after February 1, 2013, reimbursement shall not be made for services rendered to recipients 21 years of age and older.

C. Effective for dates of service on or after February 13, 2014, reimbursement for physical and occupational therapy services shall be 85 percent of the 2013 Medicare published rate. There shall be no automatic enhanced rate adjustment for physical and occupational therapy services.

D. Speech/language therapy services shall continue to be reimbursed at the flat fee in place as of February 13, 2014 and in accordance with the Medicaid published fee schedule for speech/language therapy services provided to recipients under the age of 21 in rehabilitation clinics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services financing, LR 22:109 (February 1996), amended LR 23:731 (June 1997), repromulgated for inclusion in LAC, LR 30:1021 (May 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§303. Reimbursement (Ages 0 up to 3)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1034 (May 2004), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#047

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

School Based Health Centers
Rehabilitation Services
Reimbursement Rate Increase
(LAC 50:XV.9141)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.9141 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted provisions to allow for Medicaid coverage and reimbursement of mental health services provided to students by school based health centers and to establish provisions for other Medicaid-covered services students already receive (*Louisiana Register*, Volume 34, Number 7).

In compliance with a court order from the *Melanie Chisholm, et al vs. Kathy Kliebert* class action litigation, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for school based health centers in order to increase the reimbursement rates for physical and occupational therapy services (*Louisiana Register*, Volume 40, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 13, 2014 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to therapy services in school based health centers.

Effective June 14, 2014 the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for school based health centers to increase the reimbursement rates for physical and occupational therapies.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment

Chapter 91. School Based Health Centers

Subchapter E. Reimbursement

§9141. Reimbursement Methodology

A. - B.2. ...

C. Effective for dates of service on or after February 13, 2014, reimbursement for physical and occupational therapy services shall be 85 percent of the 2013 Medicare published rate.

D. Speech/language therapy services shall continue to be reimbursed at the flat fee in place as of February 13, 2014 and in accordance with the Medicaid published fee schedule for speech/language therapy services provided in school based health centers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1420 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#048

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Targeted Case Management
HIV Coverage Termination
(LAC 50:XV.10505, 10701 and Chapter 119)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.10505, §10701 and repeals Chapter 119 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 13 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost

containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health (OPH) amended the provisions governing the reimbursement of targeted case management (TCM) services rendered by the Office of Public Health in the Nurse Family Partnership Program in order to establish Medicaid payment of uncompensated care costs for services rendered by OPH to Medicaid eligible recipients (*Louisiana Register*, Volume 39, Number 1).

Due to a budgetary shortfall in state fiscal year 2013, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing targeted case management in order to terminate the coverage and Medicaid reimbursement of TCM services rendered to HIV disabled individuals (*Louisiana Register*, Volume 39, Number 1). This Emergency Rule is being promulgated to continue the provisions of the February 1, 2013 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective May 31, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing targeted case management in order to terminate the coverage of services rendered to HIV disabled individuals.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 7. Targeted Case Management

Chapter 105. Provider Participation

§10505. Staff Education and Experience

A. - D.2. ...

E. Case Manager Trainee

1. The case management agency must obtain prior approval from the bureau before a case management trainee can be hired. The maximum allowable caseload for a case manager trainee is 20 recipients. The case management trainee position may be utilized to provide services to the following target populations:

- a. ...
- b. new opportunities waiver;
- c. elderly and disabled adult waiver;
- d. targeted EPSDT; and
- e. children’s choice waiver.
- f. Repealed.

2. - 2.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1038 (May 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1608 (September 2006), amended LR 34:663 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Chapter 107. Reimbursement

§10701. Reimbursement

A. - H.3.a. ...

I. Effective for dates of service on or after February 1, 2013, reimbursement shall not be made for case management services rendered to HIV disabled individuals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1040 (May 2004), amended LR 31:2032 (August 2005), LR 35:73 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1903 (September 2009), LR 36:1783 (August 2010), LR 40:

Chapter 119. HIV Disabled

§11901. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1043 (May 2004), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§11903. Recipient Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1043 (May 2004), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§11905. Provider Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1043 (May 2004), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#049

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Targeted Case Management
Nurse Family Partnership
Program Termination
(LAC 50:XV.10505, 10701 and Chapter 111)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.10505, §10701 and repeals Chapter 111 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 13 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health (OPH) amended the provisions governing the reimbursement of targeted case management (TCM) services rendered by the Office of Public Health in the Nurse Family Partnership Program in order to establish Medicaid payment of uncompensated care costs for services rendered by OPH to Medicaid eligible recipients (*Louisiana Register*, Volume 39, Number 1).

Due to a budgetary shortfall in state fiscal year 2013, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing targeted case management in order to terminate the Nurse Family Partnership Program and Medicaid reimbursement of TCM services to first-time mothers (*Louisiana Register*, Volume 39, Number 1). This Emergency Rule is being promulgated to continue the provisions of the February 1, 2013 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective May 31, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing targeted case management in order to terminate the Nurse Family Partnership Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 7. Targeted Case Management

Chapter 105. Provider Participation

§10505. Staff Education and Experience

A. ...

B. Case Managers. All case managers must meet one of the following minimum education and experience qualifications:

1. - 3.a. ...

b. Repealed.

4. ...

C. Case Management Supervisors. All case management supervisors must meet one of the following education and experience requirements:

1. - E.2.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1038 (May 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1608 (September 2006), LR 34:663 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Chapter 107. Reimbursement

§10701. Reimbursement

A. - I. ...

J. Effective for dates of service on or after February 1, 2013, the department shall terminate the Nurse Family Partnership Program and Medicaid reimbursement of targeted case management services to first-time mothers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1040 (May 2004), amended LR 31:2032 (August 2005), LR 35:73 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1903 (September 2009), LR 36:1783 (August 2010), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Chapter 111. Nurse Family Partnership Program

§11101. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1041 (May 2004), amended LR 31:2028 (August 2005), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1036 (June 2008), amended LR 36:1783 (August 2010), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§11103. Recipient Qualifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1041 (May 2004), amended LR 31:2028 (August 2005), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1037 (June 2008), amended LR 36:1783 (August 2010), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§11105. Staff Qualifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health

Services Financing, LR 26:2796 (December 2000), repromulgated for inclusion in LAC, LR 30:1042 (May 2004), amended LR 31:2028 (August 2005), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert
Secretary

1405#050

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office for Citizens with Developmental Disabilities

Developmental Disabilities Services System
(LAC 48:IX.334)

The Department of Health and Hospitals, Office for Citizens with Developmental Disabilities (OCDD) adopts LAC Title 48:IX.334 as directed by House Bill 1 of the 2013 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 417 of the 2013 Regular Session of the Louisiana Legislature provides for authority for the department to establish a statewide system of payments; to make provisions relative to payment for services; to allow for uses of funds for provision of certain services; and provides for authority to establish a schedule of fees for services provided to certain recipients in EarlySteps, Louisiana's Early Intervention Program for Infants and Toddlers with Disabilities and their Families.

Due to a budgetary shortfall in state fiscal year 2014, the Department of Health and Hospitals promulgated an Emergency Rule which amended the provisions governing the payment for some EarlySteps services (*Louisiana Register*, Volume 39, Number 9). This Emergency Rule is being promulgated to continue the provisions of the October 1, 2013 Emergency Rule. It is estimated that implementation of this Emergency Rule will increase revenue by approximately \$1,200,000 for state fiscal year 2013-2014. This action is being taken to avoid a budget deficit in the Office for Citizens with Developmental Disabilities.

Effective June 1, 2014, the Department of Health and Hospitals, Office for Citizens with Developmental

Disabilities establishes a system of payments for some services provided through the EarlySteps Program.

Title 48

PUBLIC HEALTH—GENERAL

Part IX. Developmental Disabilities Services

Chapter 3. Infant Intervention Services

§334. System of payments

A. The department shall have the authority to establish a statewide system of payments in accordance with 34 CFR Part 303.

B. In implementing the system of payments:

1. the department establishes a schedule of monthly cost participation for early intervention services per qualifying family. Cost participation shall be based on a sliding scale;

2. application of the family's cost share using the sliding scale will include the family's adjusted gross income, family size, financial hardship, extraordinary expenses associated with the eligible child, and Medicaid eligibility:

a. extraordinary expenses may include but are not limited to unreimbursed medical expenses, equipment, home modifications, or other costs associated with the child with a disability;

b. extraordinary expenses must have been incurred during the calendar year that the family's cost share for Individualized Family Services Plan (IFSP) services is applied;

c. the family will be required to produce invoices, receipts, or other documents which establish the costs and payment for these expenses;

d. the family may request a reassessment of their costs based on extraordinary expenses at any time if there are significant changes affecting the determination of the cost participation amount. The request will be in writing and submitted to the service coordinator;

e. the request for reassessment will be considered by the designated EarlySteps office for a determination of the family's request. The family and the service coordinator will receive the department's written response;

3. the sliding scale shall utilize the most recent federal poverty guidelines issued in the Federal Register by the United States Department of Health and Human Services as the basis for determining the income threshold based on family size for eligibility for cost participation;

4. the department shall not assess any fee or other charge through the cost participation schedule upon a family which has an annual income of less than three hundred percent of the federal poverty level;

5. the department shall not assess fees or other charges through the cost participation schedule which totals more than three percent of the monthly income level for a family of four, according to the federal poverty guideline schedule which will be updated annually;

6. once the family's income has been verified with the required documentation and the IFSP services have been determined by the IFSP team, the following will occur:

a. the system point of entry office will issue the cost participation statement to notify the family of their assessed costs which will be reviewed with the family and a copy provided;

b. following the submission of service claims by the child's provider, the Central Finance Office (CFO) will mail

a monthly explanation of payment statement (EOP) to the family for payment. The EOP will include a notice of the family's right for reconsideration of their financial status and their right to apply for exemption from cost participation due to financial hardship;

c. families will remit reimbursement to the CFO at the address provided in the EOP;

7. when a family is not complying with the cost participation requirements and procedures for suspending services, the following will occur related to the status of the child's services:

a. a notice will be issued to the family, to the service coordinator and to the designated EarlySteps office;

b. the CFO will notify the department when the family is in arrears for a duration of three months at which time the service coordinator will discuss the family's options with the family and assist the department with its determination of the status of the child's IFSP services;

c. if the family provides its consent, a copy of the notice that the family is in arrears with payment for three months will be sent to the representative and senator in whose district the family resides;

d. the department will make a written determination regarding the status of the child's IFSP services following review of information provided by the service coordinator and the family. Families will be offered the option to continue to receive services available at no cost if they choose according to the no-cost provisions which follow;

e. the department shall not limit early intervention services for a child in any month if the cost for the services in that month exceeds the maximum contribution from the child's family.

C. Parents who have public insurance (Medicaid) and elect not to assign such right of recovery or indemnification to the department or choose not to release financial information will be assessed the cost for each early intervention service listed on the IFSP according to the most current Service Rate Schedule and the Cost Participation Schedule.

D. No-Cost Provision. The following services that a child is otherwise entitled to receive will have no costs assessed to the parents:

1. child find activities;
2. evaluation and assessment for eligibility and IFSP planning;
3. service coordination, administrative and coordinative activities related to the development review, and evaluation of the IFSP; and
4. implementation of procedural safeguards and other components of the statewide system related to §464 of Act 417.

E. The department will provide written, prior notification to families for use of Medicaid according to the requirements of 34 CFR 303.414. This notice includes a statement that there are no costs charged by the department for use of the eligible child's Medicaid. The notification also includes a statement of the process for resolutions of disputes regarding decisions related to use of Medicaid, failure to pay for services and/or the State's determination of a family's ability to pay.

F. Dispute Resolution Process

1. The procedures used by the department to resolve such disputes will not delay or deny the parents' rights or the child's ability to access timely services.

2. The dispute resolution process can be initiated by the parent according to OCDD's policy for handling system complaints when the parent wishes to contest the imposition of a fee or the department's determination of the parents' ability to pay.

G. Parental Consent. The department will obtain parental consent prior to the use of the child's Medicaid according to the following.

1. EarlySteps will obtain written consent for the use of the child's Medicaid using its established Consent for Services form.

2. Parental consent will be obtained prior to the initial provision of an early intervention service in the IFSP.

3. Parental consent will be obtained when an increase in frequency, length, duration, or intensity of a service is determined in the child's IFSP.

4. If the parent does not provide consent for the use of the child's Medicaid, the department will make available only those early intervention services on the IFSP for which the parent has provided consent.

5. Parents may withdraw consent for use of their child's Medicaid at any time.

H. Determination of Family Cost. Families are liable for the costs of services that their child receives while enrolled in EarlySteps as follows.

1. The aggregate contributions made by the parent shall not exceed the aggregate cost of the early intervention services received by the child and family (factoring in any amount received from other sources for payment for that service).

2. At least annually, or at any time the department determines that a reassessment of the parent's financial circumstances is warranted, the department shall conduct such reassessment of financial status.

3. The parent has the right to request a reassessment at any time if there are significant changes affecting the determination of the cost participation amount.

4. Families who have the ability to pay and choose not to pay may be determined as ineligible to continue to receive services until payment is made.

5. The inability of the family of the eligible infant or toddler will not result in a delay or denial of services if the family does not meet the cost participation income requirements or for services for which there are no costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 40:

Kathy H. Kliebert
Secretary

1405#029

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Red Snapper—Recreational Harvest Limits

The recreational season for the harvest of red snapper in Louisiana state waters has previously been set to open on February 21, 2014. The established season for the recreational harvest of red snapper as outlined in LAC 76:VII.335 is open on weekends only, where Friday, Saturday, Sunday, and the Monday of Memorial Day and the Monday of Labor Day are defined as a weekend day, through September 30 of each year. The bag and possession limit, as established in LAC 76:VII.335 is three red snapper per person per day, and was reduced to two red snapper per person per day for the 2014 season by order of the secretary. The season is hereby modified effective from 12:01 a.m. on April 14, 2014 until further notice to be open on both weekends and weekdays, with a daily bag limit and possession limit of two red snapper per person at the currently established size limit of 16 inches minimum total length.

In accordance with the emergency provisions of R.S. 49:953, the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department by the commission in LAC 76:VII.335.G.5 to modify the recreational red snapper seasons and possession limits in Louisiana state waters when he deems necessary, the secretary hereby declares:

The recreational fishery for red snapper in Louisiana state waters will open at 12:01 a.m. on April 14, 2014 and be open on weekends and weekdays, and remain open until further notice. The recreational daily harvest and the possession limit for red snapper shall be two red snapper per person at the currently established minimum size limit in LAC 76:VII.335 of 16 inches total length.

Robert Barham
Secretary

1405#001

Rules

RULE

Department of Agriculture and Forestry Office of Animal Health and Food Safety and Board of Animal Health

Animals and Animal Health
(LAC 7:XV.Chapters 5-7 and XXI.Chapters 1-27)

In accordance with R.S. 49:983 of the Administrative Procedure Act, the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health are repromulgating the rules and regulations of the Department of Agriculture and Forestry relative to animals and animal health. These rules and regulations no longer exclusively deal with animal diseases but now also govern a variety of matters related to licensure, care of animals, and health standards. Therefore, it is appropriate to change the title of Part XXI of Title 7 from "Diseases of Animals" to "Animals and Animal Health" in order to reflect these changes.

Chapters 25, relative to honey bees, and 27, relative to fire ants, are being moved to Part XV of Title 7, which deals with plant pests and quarantines, because the regulation of honey bees and fire ants is more closely related to plant pests and diseases than it is related to animal health.

This repromulgation of Part XXI rearranges and simplifies the format of the rules and regulations to make it easier for persons interested in them to find provisions pertinent to their interests, and provides appropriate space for the numbering of future rules and regulations in accordance with the format utilized by the Office of the State Register.

This repromulgation makes no change in the wording of any rule or regulation except to change the old numbering to the new numbering for any Section referenced in any other Section. To aid in the transition, two tables are below provided. Table 1 lists the former Chapter and Section numbers of Part XXI and the new Chapter and Section numbers opposite the former numbers. Table 2 shows the new Chapter and Section numbers and the former numbers opposite the new numbers. These tables are provided as a convenience and do not constitute a new part of these rules and regulations.

Disposition Tables

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§103	§103
§105	§121
§107	§501
§109	§503
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§113	§303
§115	§305
§117	§2305

Table 1. Chapters and Sections—Old to New	
Old Numbers	New Numbers
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§123	§107
§125	§109
§127	§131
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§1103	§553
§1105	§1503

Table 1. Chapters and Sections—Old to New	
Old Numbers	New Numbers
Chapter 13	Chapter 15
§1301	§555
§1303	§1513
Chapter 15	Chapter 17
§1501	§1701
§1503	§1705
§1505	§1707
§1507	§1709
§1509	§1711
§1511	§1713
§1513	§1715
§1515	§1717
§1517	§1719
§1519	§1721
§1521	§1723
§1523	§1725
Chapter 17 (Reserved)	none
Chapter 19	None
§1901	§571
Chapter 21	None
§2101	§581
Chapter 23	Chapter 19
§2301	§1901
§2302	§1903
§2303	§1905
§2305	§1907
§2307	§1909
§2309	§1911
§2311	§1913
§2313	§1915
§2315	§1917
§2317	§1919
§2319	§1921
§2321	§1923
§2323	§1925
§2325	§1927
§2327	§1929
§2329	§1931
	LAC 7:XV
Chapter 25	Chapter 5
§2501	§501
§2503	§507
§2505	§509
§2507	§511
§2509	§513
§2511	§503
§2513	§505
§2515	§515
§2517	§517
§2519	§519
§2521	§521
Chapter 27	Chapter 7
§2701	§701
§2703	§703
§2705	§705
§2707	§707
§2709	§709
§2711	§711
§2713	§713
§2715	§715
§2717	§717
§2719	§719
§2721	§721
§2723	§723
§2725	§725
	LAC 7:XXI
Chapter 29	none
§2901	§115
Chapter 31	Chapter 21

Table 1. Chapters and Sections—Old to New	
Old Numbers	New Numbers
§3101	§2101
§3103	§2103
§3105	§2105
§3107	§2107
§3109	§2111
§3111	§2113
§3113	§2109
§3115	§2115
§3117	§2117

Table 2. Disposition of Chapters and Sections—New to Old	
New Numbers	Old Numbers
Chapter 1	Chapter 1
§101	§101
§103	§103
§105	§121
§107	§123
§109	§125
§111	§131
§113	§133
§115	§2901
§§117-119 (Reserved)	none
§121	§105
§§123-129 (Reserved)	none
§131	§127
Chapter 3	none
§301	§111
§303	§113
§305	§115
Chapter 5	none
§501	§107
§503	§109
§§505-509 (Reserved)	none
§511	§301
§513	§303
§§515-519 (Reserved)	none
§521	§501
§523	§503
§525	§505
§§527-529 (Reserved)	none
§531	§701
§533	§703
§§535-539 (Reserved)	none
§541	§901
§543	§903
§§545-549 (Reserved)	none
§551	§1101
§553	§1103
§555	§1301
§§557-559 (Reserved)	none
§§561-569 (Reserved)	none
§§571	§1901
§§573-579 (Reserved)	none
§581	§2101
Chapter 7	Chapter 3
§§701-703 (Reserved)	none
§705	§325
§§707-709 (Reserved)	none
§711	§307
§713	§309
§715	§311
§717	§313
§719	§315
§721	§317
§723	§319
§725	§321
§727	§323
§729	§331

Table 2. Disposition of Chapters and Sections—New to Old	
New Numbers	Old Numbers
§731	§327
§733	§341
§§735-739 (Reserved)	none
§741	§333
§743	§335
§745	§337
§§747-749 (Reserved)	none
§751	§339
§§753-759 (Reserved)	none
§761	§329
Chapter 9	Chapter 5
§901 (Reserved)	none
§903	§511
§§905-909 (Reserved)	none
§911	§513
§913	§507
§915	§509
§917	§515
§919	§517
§921	§521
§923	§523
§925	§525
§927	§527
§929	§529
§931	§531
§933	§533
§935	§535
Chapter 11	Chapter 7
§1101 (Reserved)	none
§1103	§705
§1105	§707
Chapter 13	Chapter 9
§§1301-1309 (Reserved)	none
§1311	§905
§1313	§907
§§1315-1319 (Reserved)	none
§1321	§909
§1323	§911
Chapter 15	Chapters 11 and 13
§1501 (Reserved)	none
§1503	§1105
§§1505-1509 (Reserved)	none
§1511 (Reserved)	none
§1513	§1303
Chapter 17	Chapter 15
§1701	§1501
§1703 (Reserved)	none
§1705	§1503
§1707	§1505
§1709	§1507
§1711	§1509
§1713	§1511
§1715	§1513
§1717	§1515
§1719	§1517
§1721	§1519
§1723	§1521
§1725	§1523
Chapter 19	Chapter 23
§1901	§2301
§1903	§2302
§1905	§2303
§1907	§2305
§1909	§2307
§1911	§2309
§1913	§2311
§1915	§2313
§1917	§2315
§1919	§2317

Table 2. Disposition of Chapters and Sections—New to Old	
New Numbers	Old Numbers
§1921	§2319
§1923	§2321
§1925	§2323
§1927	§2325
§1929	§2327
§1931	§2329
Chapter 21	Chapter 31
§2101	§3101
§2103	§3103
§2105	§3105
§2107	§3107
§2109	§3113
§2111	§3109
§2113	§3111
§2115	§3115
§2117	§3117
Chapter 23	None
§2301	§119
§2303	§129
§2305	§117
LAC 7:XV	
Chapter 5	Chapter 25
§501	§2501
§503	§2511
§505	§2513
§507	§2503
§509	§2505
§511	§2507
§513	§2509
§515	§2515
§517	§2517
§519	§2519
§521	§2521
Chapter 7	Chapter 27
§701	§2701
§703	§2703
§705	§2705
§707	§2707
§709	§2709
§711	§2711
§713	§2713
§715	§2715
§717	§2717
§719	§2719
§721	§2721
§723	§2723
§725	§2725

Title 7
AGRICULTURE AND ANIMALS
Part XV. Plant Protection and Quarantines
Chapter 5. Honey Bees and Apiaries
(Formerly LAC 7:XXI.Chapter 25)

§501. Definitions
(Formerly LAC 7:XXI.2501)

Agent or *Specialist*—an authorized representative of the state entomologist and/or the Department of Agriculture and Forestry.

Apiary or *Yard*—the assembly of one or more colonies of bees at a single location.

Beekeeper—an individual, firm or corporation, who owns or has charge of one or more colonies of bees.

Certificate of Inspection—a document issued after inspection for the sale or movement of bees and/or regulated articles.

Colony, Colony of Bees, or Hives—an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones; including brood, combs, honey, and the receptacles inhabited by the bees.

Combless Package—a package of bees shipped or moved without comb, with or without a queen.

Comb Package—a package of bees shipped or moved on a comb containing honey and/or brood, with or without a queen.

Commissioner—the commissioner of agriculture and forestry.

Department—the Louisiana Department of Agriculture and Forestry.

Disease or Pest—any infectious condition of bees which is detrimental to the honey bee industry, such as American foulbrood, European foulbrood, noseema, acarine disease, varroa mite, and so forth.

Frame—a wooden or plastic case for holding honeycomb.

Infested—the presence of any disease or pest of bees.

Nucleus—bees, brood, combs and honey in or inhabiting a small hive or portion of a standard hive or other dwelling place.

Permit—a document issued for registration of colonies of bees.

Person—an individual, firm, corporation or other legal entity.

Quarantined Area—any area of the state designated by the state entomologist as having regulated articles which are or may be infested by a disease or pest, which presents a danger to other colonies of bees.

Queen—a fully developed female bee, capable of being fertilized.

Regulated Areas—geographical areas outside of the state of Louisiana which have been designated by the U.S. Department of Agriculture, Louisiana Department of Agriculture and Forestry or local governmental officials as infested states or counties. Any state or county which fails to conduct annual inspections in accordance with inspection standards adopted by the Louisiana Department of Agriculture and Forestry shall be presumed to be regulated areas.

Restricted Articles—colonies of bees, nuclei, comb or combless packages of bees, queens, used or second-hand beekeeping fixtures or equipment, and anything that has been used in operating an apiary.

State Entomologist—the entomologist of the Louisiana Department of Agriculture and Forestry.

Super—a standard frame hive body (all depths).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2302 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:928 (May 2014).

§503. Movement of Bees and/or Regulated Articles into Louisiana and the Power to Prevent the Introduction of Contagious and/or Infectious Diseases or Pests (Formerly LAC 7:XXI.2511)

A. Queens and/or combless packages of bees purchased by mail orders may be shipped into Louisiana only when accompanied by certificate of inspection signed by the state

entomologist, state apiary inspector or similar official of the state or country of such bees' origins. The certificate shall certify to the apparent freedom of the bees from contagious or infectious diseases and/or pests and shall be based upon an actual inspection of the bees during the current inspection season.

B. Honeybees and used or second-hand beekeeping equipment may be shipped into the state by a person possessing a current class A permit, but only when accompanied by certificate of inspection signed by the state entomologist, state apiary inspector or similar official of the state or country of such bees' origin. The certificate shall certify to the apparent freedom of the bees from contagious or infectious diseases and pests and shall be based upon an actual inspection of the bees to be shipped or moved within a period of 60 days preceding the date of shipment.

C. Combless honeybees may be shipped into the state by a person possessing a current class B permit, but only when accompanied by a certificate of inspection signed by the state entomologist, state apiary inspector or similar official of the state or country of such bees' origin. The certificate shall certify to the apparent freedom of the bees from contagious or infectious diseases and shall be based upon actual inspection of the bees to be shipped or moved within a period of 60 days preceding the date of shipment. The shipment of other regulated articles into Louisiana by class B permit holders is prohibited.

D. When honeybees are to be shipped or moved into the state from other states or countries where no official state apiary inspector or state entomologist is available, the commissioner may permit the shipping into Louisiana of such bees upon presentation of suitable evidence showing the bees to be free from disease.

E. The commissioner may inspect any honeybees or beekeeping equipment being shipped into this state, even if the honeybees or beekeeping equipment are accompanied by a certificate of inspection issued by another state. If an inspection of honeybees or beekeeping equipment accompanied by a certificate of another state reveals the presence of contagious or infectious disease, the commissioner may declare a moratorium on this state's recognition of any certificate of inspection issued by that state until the commissioner determines that the standards of inspection of that state are adequate to ensure the health and safety of Louisiana honeybees at least equal to the standards established by this state.

F. Movement of regulated articles from regulated areas into Louisiana shall require a limited permit issued by the state entomologist.

G. If the state entomologist, or his agents, or specialists find any honeybees or regulated articles infected with or exposed to contagious or infectious diseases, he may require the destruction, treatment, or disinfection of such infected or exposed bees or beekeeping equipment.

H. If the state entomologist, or his agents or specialists find that any honeybees and/or regulated articles have been brought into this state in violation of this Part, the bees and/or regulated articles shall be immediately placed under quarantine until released by the commissioner or state entomologist after thorough inspection for pests. The payment of any and all fines, inspection fees and/or costs of maintenance and preservation, if any, either due or to

become due the department by the owner of such bees and/or regulated articles shall be made before release. Such release shall be only for the purpose of immediate removal of the bees and/or regulated articles from this state. The presence in this state of bees and/or regulated articles in violation of registration or entry requirements 24 hours after they have been released by the department shall constitute a new and separate violation(s) of this Part.

I. Except as otherwise permitted in this Section, the movement or shipment into this state of colonies of bees, nuclei, comb package of bees, or used or second-hand beekeeping equipment is prohibited.

J. All hives shall have removable tops and frames allowing inspection at all depths.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2306 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:929 (May 2014).

§505. Requirements Covering the Movement into Louisiana of Supers and Frames Used in Shipping Honey to Points In or Out of the State (Formerly LAC 7:XXI.2513)

A. Under special permit issued by the state entomologist, class A permit holders of Louisiana may ship honey supers filled with frames and honey to points outside the state and/or move or ship the same back into Louisiana provided:

1. each super bears a brand or label containing the name and address of the shipper;
2. all shipments are free of bees and are transported under bee proof enclosures; and
3. upon receipt of such supers, frames and/or honey into the state, the state entomologist shall be advised of same, indicating the number of supers and frames and name and address of co-signer. All such equipment shall be subject to inspection by agents of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:930 (May 2014).

§507. Annual Registration (Formerly LAC 7:XXI.2503)

A. On or before October 1 of each year, or prior to bringing any honeybees or beekeeping equipment into the state, every beekeeper shall register with the commissioner every colony or apiary in his possession or under his control, on a form to be furnished by the commissioner.

B. Beekeepers will be designated as class A or class B permit holders. To be eligible for a class A permit, an applicant must either:

1. be domiciled in this state; or
2. have held a class B permit for three consecutive violation-free years. If violations are incurred at any time during this three-year period, the class B permit holder will automatically be placed back at year one, pending payment of any fines levied against him by the commissioner.

C. A fee shall accompany the application for registration. The amount of the fee will be based upon the number of

colonies owned or under the control of the applicant as follows.

Number of Colonies	Class A Permit	Class B Permit
1 to 25	\$ 2	\$ 8
26 to 100	5	20
101 to 300	10	40
301 to 500	15	60
501 or more		

D. Permits issued for registration shall not allow the holder to sell bees or regulated articles as is provided for with a certificate of inspection.

E. Failure to register colonies of bees in the state of Louisiana is a violation of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2305 and R.S. 2:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:930 (May 2014).

§509. Authority of Agents or Specialists to Enter Premises (Formerly LAC 7:XXI.2505)

A. Agents or specialists of the department are authorized and shall be allowed entrance onto any property or premises in the state of Louisiana for the purpose of inspecting any honeybees or beekeeping equipment when there is probable cause to conclude that the bees or beekeeping equipment is infected with any contagious or infectious diseases or other pests or to ascertain whether such bees may have been or are being transported in violation of the apiary law.

B. No person shall interfere with agents or specialists who are making such inspections on properties or premises.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2308 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:930 (May 2014).

§511. Applications for Inspection (Formerly LAC 7:XXI.2507)

A. Beekeepers who desire certificates of inspection authorizing the sale or movement of bees and/or regulated articles shall make application for inspection by February 1 of each year on a form that will be furnished by the department and shall give the location of each and every apiary or yard owned or controlled or from which bees and/or regulated articles are to be moved or sold by the applicant. For the purpose of this Section, movement shall mean any movement of bees and/or regulated articles of a distance greater than 100 miles.

B. A map showing the location of each and every apiary or yard must accompany the application for inspection. Each apiarist shall notify the department if the location of an apiary or yard changes after the application has been submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2307 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health

and Food Safety and Board of Animal Health, LR 40:930 (May 2014).

§513. Issuance and Use of Certificates of Inspection (Formerly LAC 7:XXI.2509)

A. Certificates of inspection shall not be issued by the department except to cover the shipment or movement of package bees and/or regulated articles from a yard or yards that are not under quarantine and have been inspected at least once each year (prior to the shipment or movement of bees therefrom) and found free of American foulbrood infection and other diseases found have been effectively controlled.

B. Certificates of inspection shall not be issued to cover the shipment or movement of bees and/or regulated articles from an area that has been quarantined on account of American foulbrood infection until it has been determined by state entomologist that the American foul-brood infestation has been destroyed. If any apiary or yard of bees has 4 percent or less American foulbrood infestation, as noted below, the infected colony(ies) shall be burned immediately and a partial quarantine imposed. This shall mean that a second inspection shall be made within 21-30 days to insure control of the disease. Where a second inspection is required, colonies shall not be moved except by special permission of the state entomologist.

Colonies in Apiary or Yard	AFB Infected Colony
01-25	1
26-50	2
51-75	3
75 or more	4

1. If over 4 percent of the colonies, but not more than four colonies in the case of over 100 colonies, in an apiary or yard are found to be infested with American foulbrood, the colonies shall be burned immediately and the apiary or yard shall be placed under a 21-30 day quarantine, during such time no drugs will be allowed to be fed to the bees. If after 21-30 days an inspection shows that the apiary or yard is found free from American foulbrood infestation, the quarantine shall be lifted. However, if American foulbrood is again found, an additional 21-30 day quarantine period shall be enforced and infested colonies shall be burned immediately. An additional 60-day quarantine shall be enforced on any quarantined apiary or yard found to be treated with drugs to mask the infection.

C. Certificates of inspection shall be issued to cover the shipment or movement of bees and/or regulated articles into other states only with the approval of the proper officials of the state of destination.

D. Certificates of inspection issued by the department shall be used by beekeepers only to cover the shipment or movement of bees and/or regulated articles from a yard or yards designated by the state entomologist or his agents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2306 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:931 (May 2014).

§515. Authority to Establish Quarantine Area (Formerly LAC 7:XXI.2515)

A. The state entomologist has authority to designate any area of the state as a quarantine area when he determines that diseases and/or pests in that area constitutes a danger to other colonies of bees.

B. To establish a quarantine area, the state entomologist shall publish in the *Louisiana Register* a notice of quarantine which details a finding or findings of danger to the health and welfare of bee colonies, geographical area of quarantine, the date the quarantine is to begin, and the objective(s) of the quarantine.

C. The shipment or movement of regulated articles from any quarantine area of Louisiana is prohibited until such time that the quarantine has been lifted or by special written permission from state entomologist.

D. The state entomologist shall have full authority to control, eradicate or prevent the introduction, spread and dissimulation of any and all contagious and infectious disease of bees and all other pest of bees.

E. The state entomologist may modify or terminate a quarantine by publication of a notice in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2308, R.S. 3:2304 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:931 (May 2014).

§517. Eradication Measures (Formerly LAC 7:XXI.2517)

A. All colonies of bees infected with American foulbrood shall be destroyed by burning the frames, bees and combs in the presence of or by an agent or specialist of the department. Hive bodies and top and bottom boards saved from infected colonies shall be moved from the yard during the burning process or by a time prescribed by agents or specialists of the department and are to be scorched or properly treated to remove possible sources of reinfestation before re-use. Failure to adhere to this requirement shall result in destruction of all infected equipment including hive bodies, top and bottom boards.

B. Nuclei exposed to American foulbrood infection by the transfer of combs with brood or bees from an infected colony or yard shall be destroyed by burning.

C. Any apiary or yard suspected of being infected with American foulbrood shall be reported to the department.

D. All colonies of bees found infected with European foulbrood shall be requeened within 30 days after infection is found. European foulbrood found in excess of 4 percent upon second inspection shall be quarantined until the disease is under control.

E. All other bee diseases and/or pests found that are considered detrimental to the honeybee industry shall be treated as prescribed by the state entomologist or his designee for the control of same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2308, R.S. 3:2304 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the

Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:931 (May 2014).

§519. Penalties and Adjudicatory Proceedings (Formerly LAC 7:XXI.2519)

A. Whenever the commissioner has any reason to believe that a violation of these regulations has occurred, an adjudicatory hearing will be held to make a determination with respect to the suspected violation.

B. Upon any directive of the commissioner, the state entomologist shall give written notice to the person suspected of the violation, such notice to comply with the requirements of the Administrative Procedure Act, at least five days prior to the date set for such adjudicatory hearing.

C. The commissioner shall designate a hearing officer to preside at all adjudicatory proceedings.

D. At any such adjudicatory hearing, the person suspected of a violation of these regulations shall be accorded all of the rights set forth in the Administrative Procedure Act.

E. Whenever the commissioner makes a determination from the proceedings of the adjudicatory hearing that any violation of R.S. 3:2301 et seq., or these regulations has occurred, the commissioner may impose a monetary fine.

F. The commissioner may impose a penalty of up to \$500 for each violation of R.S. 3:2301 et seq., or these regulations which is proven in any adjudicatory hearing.

G. Each separate day on which a violation occurs shall be considered a separate violation.

H. Any person may appeal any action taken by the commissioner to impose a monetary penalty by:

1. applying for a rehearing under the procedures provided in the Administrative Procedure Act; or
2. applying for judicial review of the commissioner's determination, under either the Administrative Procedure Act or other applicable laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2310 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:932 (May 2014).

§521. Repeal of Prior Rules and Regulations (Formerly LAC 7:XXI.2521)

A. All prior rules and regulations adopted and/or promulgated in accordance with R.S. 3:2303 are hereby repealed in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:932 (May 2014).

Chapter 7. Control of Fire Ants (Formerly LAC 7:XXI.Chapter 27)

§701. Authority (Formerly LAC 7:XXI.2701)

A. Whereas, it has been determined, and so declared, that a serious insect pest known as the imported fire ant (*Solenopsis saevissima richteri* Forel) is known to exist in certain parishes in the state of Louisiana; and

B. whereas, the imported fire ant is known to be a serious pest of humans, crops, livestock and wildlife; and

C. whereas, the intrastate movement from a property of articles infested with the imported fire ant to other properties or areas where the pest does not exist constitutes a menace to the agricultural industry of the state;

D. therefore, in order to prevent the spread of and to control and eradicate the imported fire ant in Louisiana, the Louisiana Department of Agriculture and Immigration, under authority of part ii of chapter 12 of title 3 of the *Louisiana Revised Statutes* of 1950, hereby promulgate the following quarantine and regulation.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:932 (May 2014).

§703. Definitions of Words, Terms and Phrases (Formerly LAC 7:XXI.2703)

A. For the purpose of these regulations, the following words, terms and phrases shall be construed respectively to mean:

Agent or Inspector—an authorized representative of the state entomologist and/or the Louisiana Department of Agriculture and Immigration;

Certificate—a document evidencing compliance with the requirements of this quarantine;

Department—the Louisiana State Department of Agriculture and Immigration;

Eradication Area—that portion of the regulated area in which eradication measures directed against this pest have been carried out or are in the process of being carried out;

Infestation—the presence of the imported fire ant;

Limited Permit—a document authorizing the movement of regulated products to a restricted destination for limited handling, utilization, processing or treatment;

Moved—carried, shipped, offered for shipment, accepted for shipment, or otherwise caused or allowed to be transported intrastate by any means whatsoever by any person, directly or indirectly;

Person—an individual, firm or corporation;

Pest-Free Area—that portion of the state of Louisiana in which the imported fire ant is not known to exist;

Pest and/or Imported Fire Ant—the insect known as the imported fire ant (*Solenopsis saevissima richteri* Furel) in any stage of development;

Regulated Area—any portion of the state of Louisiana in which the imported fire ant has been found and placed under quarantine because of its presence.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:932 (May 2014).

§705. Scouting, Inspection, Control and Eradication Authority (Formerly LAC 7:XXI.2705)

A. Agents of the Louisiana Department of Agriculture and Immigration shall be allowed entrance onto any property or premises to determine if the pest exists on such and to take such action as, in the judgment of the state

entomologist, is necessary to control or eradicate the pest wherever found.

B. No person, firm or corporation shall in any way interfere with an agent of the Louisiana Department of Agriculture and Immigration in carrying out the provisions of this regulation, or interfere with the application of suppressive measures for the control and eradication of the imported fire ant.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:932 (May 2014).

§707. Quarantined Area

(Formerly LAC 7:XXI.2707)

A. Quarantined areas in Louisiana are hereby declared to be:

1. the entire parishes of:
 - a. Acadia;
 - b. Ascension;
 - c. Beauregard;
 - d. Calcasieu;
 - e. Concordia;
 - f. East Baton Rouge;
 - g. Iberia;
 - h. Iberville;
 - i. Jefferson;
 - j. Lafayette;
 - k. Livingston;
 - l. Orleans;
 - m. Ouachita;
 - n. Plaquemines;
 - o. Pointe Coupee;
 - p. St. Bernard;
 - q. St. Charles;
 - r. St. John the Baptist;
 - s. St. Landry;
 - t. St. Martin;
 - u. St. Tammany;
 - v. Tangipahoa;
 - w. Terrebonne;
 - x. Washington;
 - y. West Baton Rouge; and
2. the following parts of parishes of:
 - a. Assumption—that portion lying west of the west line of R. 14 E;
 - b. Avoyelles—that portion lying south of the south line of T. 2 N;
 - c. Bossier—that portion lying south of U.S. Highway 80;
 - d. Caddo—that portion lying south of the south line of T. 19 N. and east of the east line of R. 15 W;
 - e. East Carroll—that portion lying south of the south line of T. 20 N. and west of the west line of R. 12 E;
 - f. Evangeline—that portion lying east of the east line of R. 1 N;
 - g. Franklin—Secs. 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 15 N., R. 9 E.; and Secs. 2, 3, 4, 5, and 6, T. 14 N., R. 9 E;
 - h. Jefferson Davis—that portion lying north of the north line of T. 9 S;

- i. Lafourche—Secs. 1, 2, 3, 4, 24, 25, 37, 38, 39, 40, 41, 42, and 43, T. 18 S., R. 21 E. Secs. 4, 5, 6, 7, 8, 12, and 62, T. 17 S., R. 21 E.; Secs. 43, 44, 45, 46, and 104, T. 17 S., R. 20 E.; and Secs. 11, 12, 13 and 14, T. 14 S., R. 18 E;

- j. Madison—that portion lying west of Tensas Bayou and north of the north line of T. 15 N;

- k. Morehouse—that portion lying south of the south line of T. 20 N. and west of the west line of R. 7 E;

- l. Rapides—that portion lying south of the south line of T. 3 N. and east of the east line of R. 2 W;

- m. Richland—Secs. 12, 13, 24, and 25, T. 17 N., R. 9 E.; and Secs. 7, 18, 19, and 30, T. 17 N., R. 10 E;

- n. St. Helena—that portion lying south of the south line of T. 3 S. and west of the Tickfaw River;

- o. St. Mary—that portion lying west of the Wax Lake Outlet;

- p. Tensas—Secs. 25, 26, 27, 38, 39, 40, 47, 48, 49, 50, and 51, T. 9 N., R. 10 E.; and Secs 1, 2, 18, and 20, T. 9 N., R. 11 E;

- q. Union—that portion lying south of the south line of T. 21 N. and east of the east line of R. 1 E;

- r. Vermilion—that portion lying east of the west line of R. 1 E;

- s. West Carroll—that portion lying south of the south line of T. 22 N;

- t. West Feliciana—that portion lying south of the south line of T. 1 S.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2353 and R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:933 (May 2014).

§709. Regulated Products

(Formerly LAC 7:XXI.2709)

A. Regulated products shall consist of the following:

1. soil and unprocessed sand and gravel, separately or with other things;
2. forest, field or nursery-grown woody or herbaceous plants with soil attached;
3. plants in pots or containers;
4. grass sod;
5. unmanufactured forest products such as stump wood or timbers if soil is attached;
6. any other products not listed in this Paragraph when it is determined that they present a hazard of the spread of the imported fire ant.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2353 and R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:933 (May 2014).

§711. Conditions Governing Movement of Regulated Products

(Formerly LAC 7:XXI.2711)

A. Regulated products may be moved within any regulated area or to a point outside the regulated area only if accompanied by a valid certificate issued under the following conditions:

1. when, in the judgement of the inspector, they have not been exposed to infestation;

2. when they have been examined by the inspector and found to be free of infestation;

3. when they have been treated under the observation of the inspector and in accordance with methods selected by him known to be effective under the conditions applied;

4. when grown, produced, stored or handled in such a manner that, in the judgment of the inspector, no infestation would be transmitted thereby. Regulated products originating outside the regulated area may be shipped through or reshipped from the regulated area without restrictions provided their point of origin is indicated, their identity is maintained, and they have been safeguarded against infestation in a satisfactory manner. Otherwise, such regulated products shall be subject to the same requirements as for regulated products originating in the regulated area.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:933 (May 2014).

§713. Conditions Governing the Issuance of Certificates, Limited Permits and Dealer-Carrier Agreements (Formerly LAC 7:XXI.2713)

A. Certificates. Certificates may be issued by the inspector for the movement of regulated products within the regulated area or to a point outside the regulated area provided the conditions outlined in §711 have been met.

B. Limited Permits. Limited permits may be issued by the inspector for the movement of uncertified regulated products to specified destination for limited handling, utilization and/or processing.

C. Dealer-Carrier Agreement. Any person engaged in purchasing, assembling, exchanging, handling, processing, utilization, treating, or moving regulated products may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of regulated products, and the cleaning and treatment of means of conveyance and containers used in the transportation of such products as may be required by the inspector.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:934 (May 2014).

§715. Assembly of Articles for Inspection (Formerly LAC 7:XXI.2715)

A. Persons intending to move any regulated products shall make application for inspection to the state entomologist as far in advance as possible, shall so handle such products as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:934 (May 2014).

§717. Cancellation of Certificates or Limited Permits (Formerly LAC 7:XXI.2717)

A. Certificates or limited permits may be withdrawn or canceled and further certificates or permits refused whenever it is determined that their further use might result in the spread of the pest.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:934 (May 2014).

§719. Waiver of Liability (Formerly LAC 7:XXI.2719)

A. The Department of Agriculture or its inspector will not be responsible in any way for the death of livestock, bees or plants in areas treated for the control of the imported fire ant after official notice has been given that such areas are to be treated. When such notice is given, property owners are to take all necessary precautions to protect their properties.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:934 (May 2014).

§721. Shipments for Scientific Purposes (Formerly LAC 7:XXI.2721)

A. The restrictions of this quarantine do not apply to shipments of regulated products under proper safeguards to the United States Department of Agriculture, or to recognized state institutions for scientific purposes, except that a special permit issued by a duly authorized state or federal inspector, must be attached to the outside of the container.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:934 (May 2014).

§723. Penalties (Formerly LAC 7:XXI.2723)

A. Any person found guilty of violating the provisions of this quarantine and regulation is subject to the penalties provided for by section 1736 of parts 2 and 3 of chapter 12 of title 3 of the *Louisiana Revised Statutes* of 1950.

B. Regulated products held in storage, warehouses, moved, sold or offered for sale in violation of this quarantine and regulation shall be confiscated by an inspector of the department and either destroyed or otherwise disposed of in such a manner as to eliminate the hazard of spreading imported fire ant infestation.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2354 and R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:934 (May 2014).

§725. Effective Date (Formerly LAC 7:XXI.2725)

A. The above quarantine and regulation to prevent spread of, control and eradicate the imported fire ant may be revised or amended at any time conditions warrant.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:934 (May 2014).

Part XXI. Animals and Animal Health

Chapter 1. General Provisions; Administrative Matters

Subchapter A. General Provisions

§101. Definitions

Accredited Herd—a herd which has passed at least two consecutive annual tuberculin tests and no other evidence of bovine tuberculosis has been disclosed.

Accredited Veterinarian—a veterinarian approved by the United States Department of Agriculture (USDA) to perform functions stated in part 161, title 9, *Code of Federal Regulations* (CFR).

Annual Test—tests conducted at intervals of not less than 10 months nor more than 14 months.

APHIS—the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Approved Slaughter Establishment—any slaughter establishment that is under state or federal meat inspection.

Aquaculture—producing, raising, managing, harvesting, or marketing of aquatic livestock under controlled conditions.

Aquatic Livestock—finfish species and crawfish produced, raised, managed, or harvested within or from a constructed impoundment in compliance with rules and regulations adopted pursuant to this Part. *Aquatic livestock* shall not include those species of fish excluded from this Part by R.S. 3:559.14.

Auction Operator—a person responsible for the operation of a livestock auction market.

Auction Veterinarian—an accredited veterinarian employed at an auction market and authorized to carry out the provisions of the livestock auction market regulations.

Authorized Agent of the Livestock Sanitary Board—an employee of the Livestock Sanitary Board or the USDA.

Authorized Buyer—

1. an employee of a USDA approved slaughtering establishment who buys livestock that move from the auction market directly to the slaughtering establishment with no period of time spent in a holding area of any kind;

2. a buyer who has a permit issued by the Livestock Sanitary Board to operate a quarantine holding area for EIA positive and "S" branded horses; or

3. a permitted livestock dealer.

Board—the Livestock Sanitary Board.

Bovine Tuberculosis—a disease in cattle, bison, or dairy goats caused by *Mycobacterium bovis*.

Breeding Purpose—all cattle, purebred or grade, that are sold for stocker, feeding, grazing, dairy and/or reproductive purposes.

Breeding-Type Cattle—all cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient, other than steers and spayed heifers offered for sale for any purpose other than immediate slaughter. This includes dairy, stocker, feeder-grazer and purebred animals.

Brucellosis—a disease of livestock capable of being transmitted to man and caused by *Brucella* organisms, commonly called "Bang's disease" in cattle and "undulant fever" in man.

Brucellosis Exposed Herd—a herd of cattle that has intermingled with *Brucellosis* infected cattle or otherwise been exposed to *Brucellosis* infected animals which includes:

1. cattle whose premises are adjacent to that of known infected cattle even though a roadway, waterway, or any right of-way or servitude is between the premises and if deemed necessary by the state veterinarian and the designated epidemiologist, the premises are considered to be adjacent;

2. cattle herds where there is direct drainage from *Brucellosis* quarantined premises; or

3. cattle herds in common range with *Brucellosis* infected herds.

NOTE: All herds, other than dairies, negative to the *Brucellosis* ring test (BRT) and certified *Brucellosis* free herds, tested within the past 12 months, owned by an individual, partnership, corporation, or association, that are within 50 miles of an infected herd owned by such individual, partnership, corporation, or association.

Brucellosis Herd Test—a *Brucellosis* test of all cattle in a herd over six months of age, except:

1. steers;

2. spayed heifers;

3. dairy animals that are official *Brucellosis* calftood vaccinates under 20 months of age, which are not parturient or preparturient (springers);

4. beef animals that are official *Brucellosis* calftood vaccinates under 24 months of age which are not parturient or preparturient (springers).

Brucellosis Infected Herd—

1. a herd will be considered infected if an official *Brucellosis* blood test of the herd reveals one or more reactors;

2. a herd to which one or more *Brucellosis* reactors in a consignment, tested in the market cattle testing program, (tested on the physical premises of the auction market or slaughter establishment), has been traced. The herd shall be considered infected and under quarantine until the entire herd of origin has had two official negative blood tests, the second test being not less than 180 days from the date the last reactor was removed from the herd and the premises. The second test may be dispensed with upon concurrence by the state veterinarian, the designated epidemiologist and the state/federal area veterinarian, based on the history and epidemiology of the herd;

3. a dairy herd that has had a positive milk ring test. The herd shall be considered infected and handled as such until the entire herd has been officially blood tested. The status of the herd will then be determined by the results of the herd blood test.

Brucellosis Qualified Herd—a herd located in a *Brucellosis* quarantined area that has been tested and found negative to *Brucellosis* within the last 12 months.

Brucellosis Quarantined Area—an area or state that is under USDA *Brucellosis* quarantine.

Brucellosis Quarantined Herd—a *Brucellosis* infected herd that has not successfully completed the testing requirements for negative status; or an exposed herd that has

been placed under quarantine to be tested until such time as it has been declared *Brucellosis* negative.

Brucellosis Reactor—any animal which is positive to one or more *Brucellosis* tests which indicate the animal is infected with *Brucellosis*.

Brucellosis Test Eligible—all cattle which are one year of age and older except:

1. steers;
2. spayed heifers;
3. dairy cattle that are official *Brucellosis* calfhood vaccinates less than 20 months of age which are not parturient or preparturient (springers);
4. beef cattle that are official *Brucellosis* calfhood vaccinates less than 24 months of age which are not parturient or preparturient (springers).

Bull—an uncastrated male of domestic cattle.

1. *Breeding Bull*—a bull less than 24 months of age in which there is no presence of both permanent central incisor teeth in wear if the bull has been commingled with breeding females; a bull less than 24 months of age in which there is the presence of both permanent central incisor teeth in wear; and a bull that is 24 months of age or older.

2. *Virgin Bull*—a bull less than 24 months of age in which both permanent central incisor teeth in wear are not present and that has never been commingled with breeding females.

Buyer—any individual, partnership, corporation or association which handles EIA positive and/or "S" branded horses.

Certificate of Approval—a certificate issued to a commercial poultry producer by the Livestock Sanitary Board approving a specific method of disposing of dead poultry to be used by the commercial poultry producer.

Certified Brucellosis Free Herd—a herd that meets the requirements as outlined in the federal uniform methods and rules (*Brucellosis* eradication).

Commercial Poultry Producer—any person, firm or corporation engaged in the production of broilers, pullets, turkeys, game birds, commercial eggs or hatching eggs for wholesale or retail purposes.

Commissioner—the *commissioner* of agriculture and forestry.

Complete Negative Brucellosis Herd Test—a negative *Brucellosis* test of all cattle, as defined in *Brucellosis herd test*. Such tests must be accompanied by a statement signed by the herd owner, or his representative, certifying that the provisions constituting a herd and *Brucellosis herd test*, as defined in §101, have been met prior to the sale of non-*Brucellosis* vaccinated female cattle from such herds other than to slaughter or to a quarantined feedlot.

Delinquent Herd—any infected herd not tested within a period of 120 days is considered delinquent.

Department—the Department of Agriculture and Forestry.

Depopulation—the removal of all animals in a herd, flock or group by extermination and proper disposal of the carcasses.

Destroyed—condemned under state or federal authority and destroyed by slaughter or by death.

Digester—a specially designed water tight system which is buried in the ground below the frost line and has the

ability and strength to hold liquid, without leakage or seepage, and is used to dispose of dead poultry through use of bacteria.

Direct to Slaughter—the shipment of cattle from the premises of origin directly to a slaughter establishment without diversion to assembly points, such as auctions, public stockyards and feedlots.

Equipment—capable of delivering required temperature as a unit designed by Floyd Rush Corporation patent or comparable equipment.

Executive Secretary and/or *State Veterinarian*—an appointee representing the board to serve in said capacity.

Federal Inspector—an inspector or veterinary medical officer of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

Flock Plan—a written agreement, between the owner of the flock and a veterinarian employed by the LDAF or USDA, APHIS, VS, approved by the state veterinarian to control scrapie in sheep and goats.

Form VS 1-27—a form which must be secured from state or federal personnel before cattle may be moved from the premises. This document will be valid for 15 days from the date of issuance.

Garbage—all animal and vegetable waste resulting from the handling, preparation and cooking of food; unconsumed food in all public and private establishments and residences; and the offal and carcasses of dead animals and poultry.

Herd—such animals of the same species (such as cattle, swine, or bison), which have been on a farm or ranch for 120 days or longer. If a farm or ranch has animals of the same species, which have been on the farm or ranch less than 120 days, none of the animals of that species, can be considered a *herd* or part of a *herd*.

Herd Depopulation—the removal of all cattle in the herd direct to slaughter prior to any restocking of the premises with cattle.

Hog Cholera—the contagious, infectious, and communicable disease of swine.

Individually Identified—cattle identified with an official ear tag, as defined in the *Brucellosis* uniform methods and rules, individual animal registration tattoo, or individual animal registration brand.

Infectious or Contagious Disease—any disease capable of being transmitted from one animal to another, either directly or indirectly.

Livestock—cattle, sheep, swine, goats, horses, mules, burros, asses or other *livestock* of all ages.

Livestock Auction Market—a livestock auction in which sales are held at regular intervals. This does not apply to breeders' association sales, livestock show sales and livestock owners' sales, which are governed by other regulations.

Livestock Auction Market Permit—an official document issued by the board annually authorizing a person to operate a livestock auction.

Livestock Dealer—any person engaged in the buying and selling of livestock. Any person who buys and sells the same livestock within 30 days and has engaged in five or more purchases and/or sales of the same livestock within any 12-month period, is said to be engaged in the business of buying and selling livestock.

Mexican Cattle—cattle that were born in Mexico or have been in Mexico at some time in their lives.

Modified Accredited Area—a state or portion thereof which is actively participating in the eradication of tuberculosis and maintains its status.

Mortgage—any *mortgage*, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

Moved—shipped, transported or otherwise *moved*, or delivered or received for movement, by any person, via land, water or air.

Negative Herd—

1. a herd not under quarantine in which, on the initial test, no reactors were revealed;

2. a commercial dairy herd that has passed four consecutive negative milk ring tests within the last 12 months, the tests being no less than two months or more than four months apart;

3. infected herds that have passed one completely negative test no less than 30 days following the date the last reactor was removed from the herd and the premises, and in addition, passed a second negative herd test no less than 90 days from the date of the first *negative herd* test;

4. a herd to which one *Brucellosis* reactor in a consignment tested in market cattle testing program (tested on the physical premises of the auction market or slaughter establishment) has been traced, and the herd of origin has been blood tested not less than 30 days from the date the reactor was detected and found negative;

5. an exposed herd which on initial test reveals no reactors and where there has been no direct contact (including across-fence contact) with the infected herd within 120 days. If contact has occurred within 120 days of the negative test (including across-fence contact) such herd must pass a second negative test no less than 90 days from the date of the first negative test.

No Gross Lesion (NGL) Animal—an animal in which a lesion(s) of tuberculosis is not found during slaughter inspection. (An animal with skin lesions only will be considered in the same category as an *NGL*.)

Official Brucellosis Vaccinates—calhhood or adult vaccinates as outlined in §723.E and F.

Official Calf Vaccinates—female cattle that have been vaccinated with *Brucella abortus* vaccine at the proper age, by an accredited veterinarian, and properly reported to the state or federal office.

Official Health Certificate—a legible record of an animal's health recorded on an official form. These certificates are valid for 30 days only.

Official Identification for Scrapie—an electronic identification, state or federally approved tamper-resistant ear tag, or a flank or ear tattoo, which has been recorded in a book of record of a sheep or goat registry or association. When an animal is identified by an ear or flank tattoo either a registration certificate or a certificate of veterinary inspection shall accompany the animal. In the case of goats registered with the American Dairy Goat Association, the tattoo may be applied at the tail web.

Official Pseudorabies Serological Test—a test conducted at an approved laboratory and shall include the enzyme-linked immunosorbent assay (ELISA) test, the latex

agglutination test (LAT), and the micro titration serum-virus neutralization test (SN).

Official Random Sample Test—a sample test of swine in a herd which provides a 95 percent probability of detecting infection in a herd. Each segregated group of swine on an individual premises is considered a separate herd and sampled as follows.

Less than 100 head	Test 25
100-200 head	Test 27
201-999 head	Test 28
1000-and over	Test 29

Official Test for Equine Infectious Anemia—any test approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, for testing equidae for equine infectious anemia.

Official Tuberculin Test—a tuberculin test which has been applied by a veterinarian employed in a full-time capacity by the state, USDA (Animal and Plant Health Inspection Service), or by an accredited veterinarian. All tuberculin tests are official tests. A report of all tuberculin tests, including a record of all responses, shall be submitted in accordance with the requirements of the cooperating state and federal authorities. These officials reserve the right to supervise any tests conducted by an accredited veterinarian.

Passed Herd—a herd in which no animals were classified as reactors or suspects on the herd test.

Permit—a license issued annually by the Livestock Sanitary Board.

Person—any natural *person* and/or *persons*, partnership, corporation, unincorporated association and/or any legal entity whatsoever.

Poultry—chickens, ducks, turkeys, pigeons, guinea fowl, geese, peafowl and pheasants and other domestic feathered life, including hatched eggs.

Quarantined Feedlot—a confined area under the direct supervision and control of the state livestock official who shall establish procedures for accounting of all animals entering or leaving such *quarantined feedlot*. The quarantined feedlot shall be maintained for finish feeding of animals in dry lot with no provision for pasturing and grazing. All animals leaving such feedlot must move only to slaughter in accordance with established procedures for handling quarantined animals.

Quarantined Holding Area—an area where EIA positive and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

Recognized Slaughter Establishment—a slaughter establishment maintaining state or federal meat inspection.

Rendering Plant—any establishment equipped to render by heat, steam or dry method any animal or fowl dead from any cause. This shall also include rendering offal from slaughtering establishments or butcher shops.

Scrapie Affected Animal—any animal that tests positive for scrapie on an APHIS-approved live animal screening test is considered an affected animal.

Screwworms—the communicable disease (myiasis) of livestock caused by the presence of the *screwworms* (*Cochliomyia hominivorax*).

Slaughter Permit—an official document issued by an authorized agent of the department, a representative of

APHIS veterinary services, or an accredited veterinarian that is required to accompany any animal that is a reactor, or suspect or exposed to a disease, and the animal is required to be taken to slaughter. The *slaughter permit* shall list the tag number of all reactors, the official ear tag number of all suspect or exposed animals, the owner's name and address, the origin and destination locations, number of animals covered, and the purpose of the movement. If a change in destination becomes necessary, a new permit shall be issued by authorized personnel. No diversion from the destination on the permit is allowed.

Source Flock—a flock in which one animal diagnosed as scrapie positive at the age of 72 months or less was born.

State Inspector—an inspector regularly employed by the Livestock Sanitary Board and authorized to perform the function involved in connection with the inspections and certification of animals.

State Veterinarian—the executive secretary of the Livestock Sanitary Board.

State-Federal Quarantined Feedlot—a feedlot that has obtained a permit from the Livestock Sanitary Board to operate as outlined in §705.

Sterilized and Dehydrated Foods—waste food which has been subjected to sufficient dry heat, 325°F minimum, for the purpose of extraction of fluids, 12 percent moisture or below permissible, and for the destruction of any organism from such matter.

Surveillance—all measures used to detect the presence of tuberculosis in the cattle population.

Trichomoniasis—a venereal disease of cattle caused by *Tritrichomonas foetus*, a protozoal parasite.

Tuberculosis Exposed Herd—a herd of cattle that are intermingled with tuberculosis infected cattle or otherwise been exposed to tuberculosis infected animals which include:

1. cattle separated from known infected cattle by a single fence;
2. cattle herds on common range with tuberculosis infected herds; and
3. all herds owned by an individual, partnership, corporation or association that are within 50 miles of an infected herd owned by such individual, partnership, corporation or association.

Tuberculosis Infected Herds—a herd in which one or more *Mycobacterium bovis* infected animals are found. Cattle will be considered infected with *Mycobacterium bovis* when compatible pathologic lesions are found and confirmed to be infected with *Mycobacterium bovis* organisms by bacteriological culturing at the National Animal Disease Laboratory.

Tuberculosis Quarantined Herd—a tuberculosis infected herd that has not successfully completed the testing requirements for negative status; or a tuberculosis exposed herd that has been placed under quarantine to be tested until such time as it has been declared tuberculosis negative.

U.S. Pullorum-Typhoid Clean Flock—a flock in which freedom from pullorum and typhoid has been demonstrated by one of the following:

1. all breeding age birds have been blood tested negative within the past 12 months;

2. it is a flock composed entirely of birds that originated from *U.S. pullorum-typhoid clean breeding flocks*;

3. 25 percent of the birds have been tested negative within the past 12 months, provided the percentage of birds tested may be reduced 5 percentage points following each year there is no evidence of infection and provided that testing shall include at least 500 birds the first year, 400 birds the second year, 300 birds the third year, 200 birds the fourth year, and 100 birds the fifth year.

Valid 30-Day Negative Brucellosis Test—an official *Brucellosis* negative card test.

Valid 30-Day Negative Brucellosis Test Certificate—a certificate on which the official test has been recorded. This may be an official health certificate completed by an accredited veterinarian; the official *Brucellosis* test charts from the state-federal laboratory; an individual *Brucellosis* test certificate issued at the auction market; or a special certificate issued by the state-federal laboratory at the request of the owner.

Veterinary Medical Officer and/or *Supervisory Veterinary Medical Officer* (also referred to as *Area Veterinarian*)—a veterinarian employed by the Livestock Sanitary Board or the United States Department of Agriculture, Animal and Plant Health Inspection Service.

Veterinary Services—the Animal and Plant Health Inspection Service, United States Department of Agriculture.

Waste Food Processor—any person, partnership, firm, corporation, institution or entity processing waste food for livestock feed. This includes all state and private institutions and commercial establishments manufacturing waste foods into livestock feed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:230 (March 1985), amended LR 11:615 (June 1985), LR 12:289 (May 1986), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 12:498 (August 1986), LR 14:217 (April 1988), LR 15:811 (October 1989), LR 16:391 (May 1990), LR 17:29 (January 1991), LR 18:840 (August 1992), LR 23:949 (August 1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1677 (September 1998), LR 28:1170 (June 2002), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 34:2336 (November 2008), LR 35:1465 (August 2009), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 39:3246 (December 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:935 (May 2014).

§103. Official Permanent Animal Identification

A. Official, permanent animal identification consists of any Department of Agriculture and Forestry or United States Department of Agriculture, Veterinary Services approved identification ear tag that conforms to the nine-character or seven-character alphanumeric National Uniform Ear Tagging System. This includes, but is not limited to, the official metal identification ear tag, the special orange-colored metal ear tag used to identify *Brucellosis* calfhood vaccinates, and the special plastic bangle ear tag used to identify *Brucellosis* adult vaccinates.

B. It shall be a violation of this regulation for anyone to remove official, permanent animal identification from any animal and it will be a separate violation for each animal that has had its official, permanent animal identification removed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 15:812 (October 1989), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:938 (May 2014).

§105. Requiring the Reporting of Contagious Diseases (Formerly §121)

A. All veterinarians practicing veterinary medicine in this state shall report any of the diseases listed in this Section to the state veterinarian within 24 hours after making a diagnosis or tentative diagnosis of any such disease. The report may be made by telephone, fax, or electronic mail. The reportable diseases are: classical swine fever (hog cholera), anthrax, vesicular conditions, all equine encephalomyelitis conditions, transmissible spongiform encephalopathies (including chronic wasting disease, scrapie, bovine spongiform encephalopathy), pseudorabies (Aujeszky's disease), tuberculosis, *Brucellosis*, rabies, strangles (*Streptococcus equi equi*), equine herpes virus 1, equine viral arteritis, spring viremia of carp, viral hemorrhagic septicemia, Newcastle disease and other paramyxovirus infections, avian influenza (highly pathogenic), ornithosis (chlamydiosis, psittacosis), Salmonellas (pullorum disease or fowl typhoid), infectious laryngotracheitis (other than vaccine induced), trichomoniasis, any disease classified by USDA as a foreign animal disease, or any other disease condition which may seriously threaten the any animal population of this state.

B. Reports should include the:

1. name, address and phone number of the owner;
2. location of the premises;
3. morbidity and mortality rate at the time of reporting;
4. number of susceptible animals in the immediate area; and
5. approximate number of animals or poultry exposed.

C. Reports of disease outbreaks will be coordinated by the state veterinarian.

D. Livestock owners who suspect the occurrence of contagious disease should immediately contact the local practicing veterinarian, area regulatory veterinarian or county agent who, in turn, will be responsible for reporting to the state veterinarian.

E. An investigation of the reported contagious disease will be made by representatives of the Livestock Sanitary Board, preferably with the veterinarian or county agent reporting the disease. If necessary to protect the animal and poultry populations, a quarantine may be imposed on involved and exposed animals and areas. The quarantine will remain in effect until the threat has been removed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2094 and R.S. 3:2095.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:234 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 15:813 (October 1989), LR 16:391 (May 1990), LR 23:197 (February

1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 28:1170 (June 2002), LR 29:1460 (August 2003), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 34:2337 (November 2008), LR 35:1466 (August 2009), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:939 (May 2014).

§107. Intrastate Manufacture, Sale or Distribution of Animal Vaccines (Formerly §123)

A. No person, firm, association or corporation shall manufacture, sell or distribute any animal vaccine within the state of Louisiana unless such person, firm, association or corporation can prove to the board that he is currently the holder of a valid federal license to manufacture, sell or distribute such animal vaccine, except as provided hereinafter.

B. The board shall authorize the intrastate manufacture, sale or distribution of animal vaccines on an individual basis to meet emergency situations within the state of Louisiana under special permit of the state veterinarian, provided that no special permit for the intrastate manufacture, sale or distribution of animal vaccines shall be issued by the state veterinarian except under the authorization of the board.

C. The board reserves the right to prohibit the intrastate manufacture, sale or distribution of animal vaccines which, in the judgment of the board, would be detrimental to any phase of the livestock and/or animal health industries of the state.

D. The board shall distribute, through the state veterinarian, on an annual basis, no later than December 31 of each year, a complete list of all vaccines which are prohibited for use within Louisiana, and such list shall be available to any interested person who makes request therefor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:235 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:939 (May 2014).

§109. Tuberculin Tests (Formerly §125)

A. Report of Tuberculin Tests. A report of all tuberculin tests, including the individual identification of each animal by ear tag number or tattoo, age, sex and breed, and a record of the size of the responses, shall be submitted in accordance with the requirements of the cooperating state and federal officials.

B. Tuberculin Test Interpretation

1. Reactor R: animals showing a circumscribed swelling 5 mm in diameter (3/16 of an inch)(P1) or a diffuse swelling twice as thick as the normal caudal fold (X2) or greater response to tuberculin on routine test should be classified as reactors unless in the professional judgment of the testing veterinarian a suspect classification is justified.

2. Suspect S: animals showing a response to tuberculin not classified as reactor with the exception noted below.

3. Negative N: animals showing no response to tuberculin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:235 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:939 (May 2014).

§111. Conditions for Issuing a Quarantined Feedlot Permit (Formerly §131)

A. The operation must not constitute a health hazard to livestock on surrounding premises, or create a public nuisance.

B. The operator must agree to abide by the provisions of this regulation and all other regulations of the board and United States Department of Agriculture governing such operations and movements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:235 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:940 (May 2014).

§113. Source and Amount of Indemnification (Formerly §133)

A. Indemnities may be paid by either the state or federal government. When indemnities are paid by the state of Louisiana, the amount of the payments shall be set by motion of the board and information concerning the level of indemnification shall be made available to all producers of livestock and dairymen.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2224.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:235 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:940 (May 2014).

§115. Repeal Rules and Regulations Previously Adopted by the Livestock Sanitary Board (Formerly §2901)

A. All rules and regulations which were previously adopted by the Livestock Sanitary Board are hereby repealed in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:940 (May 2014).

§§117-119. Reserved.

Subchapter B. Board of Animal Health

§121. Administration of the Affairs of the Board (Formerly §105)

A. The members of the board shall elect a chairman, vice-chairman and a secretary-treasurer from the membership of the board, who shall serve for terms of one year, but may be elected for an indefinite number of terms. After the initial election the officers shall be elected at the board's regular meeting during the first quarter of each year. In the absence of the chairman at any meeting of the board, the vice-chairman shall preside.

B. The board shall meet quarterly and may meet on the call of the chairman or upon the request of any three

members. The board shall not meet more than 12 times in any calendar year.

C. Meetings of the board shall normally be held in its domicile, but may be held at other locations upon the determination of the chairman or the will of the commission.

D. For the transaction of business, the quorum of the board shall be seven members.

E. An affirmative vote of a minimum of seven members shall be required for the adoption of any motion.

F. Members of the board may designate representatives to attend meetings of the board. Members who appoint representatives shall provide notice to the board of such action. Representatives shall present written authorization, signed by a member, to the board prior to attending a meeting. Representatives shall not have voting rights.

G. Rules and regulations of the board, and amendments thereto, shall be noticed, adopted, and promulgated as required by the Louisiana Administrative Procedure Act.

H. The chairman shall designate a hearing officer, who may or may not be a member of the board, to preside at all adjudicatory proceedings of the board. The chairman may, if he so desires, serve as hearing officer at any adjudicatory proceedings.

I. The board shall serve as the hearing body in all adjudicatory proceedings and shall make the final determination with regard to the disposition of all matters coming to adjudication.

J. No member of the board shall participate in any discussion or vote concerning any matter before the board in which such member has a personal or commercial interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091 and R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:940 (May 2014).

§§123-129. Reserved.

Subchapter C. State Veterinarian

§131. Cooperation with USDA, APHIS, Veterinary Services (Formerly §127)

A. Upon determination by the state veterinarian of the existence of any infectious and contagious diseases, he is authorized to cooperate with the United States Department of Agriculture, APHIS, Veterinary Services, in the eradication of such diseases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2224.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:235 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:940 (May 2014).

Chapter 3. Livestock Auction Markets; Market Agencies; Dealers

§301. Livestock Auction Market Requirements (Formerly §111)

A. No person shall operate a livestock auction without first obtaining a livestock auction market permit from the board. Any person operating a livestock auction market without a valid livestock auction permit will be in violation of this regulation and subject to prosecution.

B. Conditions for Issuing a Livestock Auction Market Permit

1. That proper bond has been posted with the board as required by R.S. 3:565, or it is properly bonded under the U.S. Packers and Stockyards Act.

2. The livestock auction market must provide the following:

a. adequate and sanitary housing for use of state-federal personnel to conduct tests, including the rivanol test for *Brucellosis*. This will include running water, adequate lighting, sanitary plumbing facilities, heating and cooling when necessary and refrigeration for biologics if the quantity to be kept on hand will warrant it. Otherwise, state or federal personnel will furnish his own portable refrigeration;

b. separate pens for holding *Brucellosis* reactors;

c. adequate facilities and personnel to separate and restrain livestock to enable the auction veterinarian and/or representatives of the Livestock Sanitary Board to carry out the requirements of this regulation.

3. The auction operator agrees to operate the sale in conformity with the requirements of this regulation.

4. The day of the week approved by the board for the conduct of the sale must be established prior to the issuance of the charter.

a. In the application for charter, the applicant shall specify the day(s) of the week on which he desires to conduct sales.

b. No requested sales day shall be approved for any applicant if any established, chartered auction market(s) located within a 50-mile radius of the applicant has received prior board approval for the conduct of a sale on the same day of the week, provided that the board may approve more than one sale on the same day of the week within 50 miles of each other if the board finds that the types of livestock being sold at each sale are substantially different and neither sale would adversely affect the other.

c. Whenever any established, previously chartered auction market desires to change the day of the week approved by the board for the conduct of his sale, the operator shall submit a request for a change of approved sales days at least 15 days prior to the desired change, which request shall include, but not be limited to, the following information:

i. day of the week previously approved for the sale;

ii. day of the week for which approval is sought; and

iii. statement identifying reasons for the requested change, specific benefits which are expected to accrue to producers and buyers, and proposed allocation of board personnel to handle the change of sales day. If the established market desires to change the approved sales day to the same day previously approved for another established auction market within a 50-mile radius, the operator shall submit the same statement as required by §131.B.4.b.

d. In any case where two or more chartered markets located within a 50-mile radius desire to conduct sales on the same day of the week, and the statement required under §131.B.4.b is not filed by all such chartered operators, the board shall establish the day of the week on which each operator shall conduct his sale.

C. Duration of Livestock Auction Market Permit. A livestock auction market permit shall be renewable on January 1 of each year, provided proper and adjusted bonds are kept in full force and effect and the livestock auction market is being operated in full compliance with the provisions of §305, as determined by the board.

D. Cancellation of Livestock Auction Market Permit. A livestock auction market permit may be canceled upon notice from the board if the operation does not meet the requirements of §305.

E. Duties of an auction veterinarian and/or state-federal personnel:

1. to represent the board in the enforcement of §305;

2. to observe all livestock being offered for sale and to detect any showing or visible symptoms of disease so that these animals may be observed by a veterinarian and could be rejected and returned to the owner's premises;

3. to draw blood samples on all cattle for testing by state-federal personnel for *Brucellosis* as provided for in this regulation;

4. to vaccinate all livestock as provided for in this regulation;

5. to examine certificates covering livestock to be sold or exchanged through the livestock auctions when such certificates are required;

6. to make such reports as may be required by the state veterinarian to the board;

7. it will be the responsibility of the auction market to employ an accredited veterinarian to issue health certificates as required;

8. the auction veterinarian and/or state-federal personnel may determine the age of cattle tested for *Brucellosis* and sold through livestock auctions and auction market personnel will indicate by paint mark on the hip, as follows:

a. 1 through 5;

b. F (full mouth) or FM;

c. S (smooth mouth);

d. O (broken mouth).

F. Sanitary Requirements

1. After the occurrence of an infectious or contagious disease in a livestock auction market, it must be cleaned and disinfected in an approved manner with a disinfectant before livestock will be permitted to enter the establishment for any purpose.

2. Representatives of the board shall have full authority to require auction operators to make specific changes to improve sanitation.

3. Floors of all swine pens and runs must be of concrete and properly drained and must be thoroughly cleaned and disinfected with an approved disinfectant after each sale.

G. General Livestock Health Requirements

1. All livestock auction markets shall be prohibited from selling or offering for sale any animal that manifests symptoms of illness unless such animal is to be sold for immediate slaughter. These diseased and exposed animals, except *Brucellosis* reactors which are specifically governed by §111.G.2, shall be immediately isolated, and identified and returned, under quarantine, directly to the premises of the original owner at the owner's expense; consigned directly

to a recognized slaughter establishment maintaining meat inspection; or consigned directly to a rendering plant.

2. All brucellosis reactor cattle shall be branded with the letter B on the left jaw and all brucellosis exposed cattle shall be identified with a 3 inch hot brand on the tail head with the letter S. All reactor and exposed cattle shall be separated from other cattle, placed in separate quarantine pens or stalls identified by quarantine sign. Reactor cattle shall be sold to an approved slaughter establishment for immediate slaughter only. Exposed cattle may be sold to state-federal approved quarantined feedlots or to an approved slaughter establishment for immediate slaughter.

3. The Livestock Sanitary Board, U.S. Department of Agriculture, auction operator and auction veterinarian are not responsible for losses or injury incurred by livestock while carrying out the requirements of this regulation at livestock auction markets.

4. Livestock purchased for immediate slaughter only, and thereby exempted from one or more health requirements of this regulation cannot be diverted for any other purpose. Any person who violates this provision is subject to prosecution.

5. Auction operators will be in violation of the board's regulations if livestock that is to be sold for immediate slaughter is sold to anyone other than authorized buyers.

H. Livestock auction markets must maintain complete records of all transactions for a period of 12 months. The records must be kept in such a manner that all livestock can be traced from the seller to the purchaser, and include the name and complete address of the seller and purchaser. The records must also include the weight, backtag number, and price of the livestock. These records shall be made available to representatives of the Livestock Sanitary Board upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:662, R.S. 3:665, R.S. 3:2221, and R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:233 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 17:30 (January 1991), LR 31:419 (February 2005), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 34:2336 (November 2008), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:940 (May 2014).

§303. Livestock Video Auction Market Requirements (Formerly §113)

A. No person, partnership, corporation, or other legal entity, shall operate a market agency (livestock video auction) in Louisiana, without first obtaining a permit from the Livestock Sanitary Board. Any legal entity selling Louisiana livestock on a livestock video auction, without a valid livestock video auction permit, will be in violation of this regulation and subject to adjudication by the Livestock Sanitary Board.

B. Any applicant applying for a permit to conduct video sales of Louisiana livestock must submit an application to the Livestock Sanitary Board which must include the following information:

1. the name and complete address of the applicant;
2. a financial statement of assets and liabilities;

3. proof that the registration requirements of the Packers and Stockyards Administration, United States Department of Agriculture, have been met;

4. a statement, in writing, assuring the Livestock Sanitary Board that the livestock video auction will be operated in compliance with the Livestock Sanitary Board's laws, rules and regulations;

5. a statement, in writing, telling how the Louisiana livestock industry will benefit from the proposed sale of livestock by the applicant;

6. an application fee of \$250, which will be retained by the Department of Agriculture and Forestry, whether or not the permit is granted;

7. the livestock video auction applicant must agree to establish a custodial account for seller's proceeds, which must meet the following requirements:

a. accounts. Each market agency shall establish and maintain a separate bank account designated as "Custodial Account for Shipper's Proceeds," or by some similar identifying designation, under terms and conditions with the bank where established, to disclose that the depositor is acting as a fiduciary with respect thereto and that the funds in the account are trust funds;

b. trust funds. Each payment made by a livestock buyer to a market agency, is a trust fund until the market agency's custodial account has been paid in full in connection with such purchase. Funds deposited in a custodial account are also trust funds, under both the gross proceeds and net proceeds methods of maintaining the custodial account. The market agency is a fiduciary with respect to the custodial account;

c. deposits:

i. gross proceeds method. Under the gross proceeds method, before the close of the next banking day, after livestock is sold, the market agency shall deposit in its custodial account, the proceeds from sale of livestock that are collected and received on the day of sale, and an amount equal to the proceeds receivable from the sale of livestock that are due from:

(a) the market agency;

(b) any owner, officer, or employee of the market agency; or

(c) any buyer to whom the market agency has extended credit;

NOTE: On or before the seventh day following the sale of livestock, the market agency shall deposit in the custodial account, an amount equal to all the proceeds receivable from the sale of livestock, whether or not such proceeds have been collected or received by the market agency.

ii. net proceeds method. In lieu of the gross proceeds method, any market agency may adopt, and thereafter continuously follow, a net proceeds method for making deposits in its custodial account. Under the net proceeds method, the market agency shall make the same deposits, at the same time as required under the gross proceeds method, but shall retain and not deposit the marketing charges, which are due the market agency;

d. withdrawals. The custodial account shall be drawn on only for payment of the net proceeds to the consignor or shipper, or such other person or persons who the market agency has knowledge is entitled thereto, to pay

all legal charges against the consignment of livestock which the market agency may, in its capacity as agent, be required to pay for, and on behalf of the consignor or shipper, and when the account is not kept on a net proceeds basis, to obtain therefrom, the sums due the market agency as compensation for its services;

e. accounts and records. Every market agency shall keep such accounts and records as will, at all times, disclose the handling of the funds in the custodial account referred to in this Section, including without limitations, such accounts and records as will, at all times, disclose the names' of the consignors and the amount due and payable to each, from funds in the custodial account for shipper's proceeds. These records shall be made available to the Livestock Sanitary Board under such rules and regulations as the board may provide;

f. insured banks. Custodial accounts required by this Section, shall be established and maintained in banks whose deposits are insured by the Federal Deposit Insurance Corporation;

g. certificates of deposit. Any market agency which has established and maintains the separate custodial account referred to in this Section, may invest in certificates of deposits issued by the bank in which such an account is kept, such portion of the custodial funds as will not impair the market agency's ability to meet its obligations to its consignors. Such certificates of deposit shall be made payable to the market agency in its fiduciary capacity as trustee of the custodial funds;

h. custodial accounts required by the Livestock Sanitary Board will be subject to periodic audits by representatives of the Livestock Sanitary Board.

C. The Livestock Sanitary Board, at a public hearing, is to consider the following factors when considering whether a permit should or should not be granted to an applicant wishing to receive a permit to sell Louisiana livestock on livestock video auctions:

1. the financial stability, business integrity and fiduciary responsibility of the applicant;
2. the present market services available in the state;
3. whether the proposed livestock video market would be permanent and continuous;
4. the benefits to be derived by the livestock Industry from the establishment and operation of the proposed livestock video auction;
5. the economic feasibility of the proposed livestock video auction.

D. Livestock video auction companies must maintain complete records of all transactions for a period of 12 months. The records must be kept in such a manner that all livestock can be traced from the seller to the purchaser and include the name and complete address of the seller and purchaser. The record must also include the weight, number, and price of the livestock. These records shall be made available at the request of representatives of the Livestock Sanitary Board, any time during normal working hours.

E. All sales of cattle by livestock video auctions must meet the requirements of §713.

F. The livestock video auction company must notify the Louisiana Livestock Brand Commission of all delivery dates, as soon as the dates are established.

G. The Livestock Sanitary Board may cancel the permit of a livestock video auction after an adjudicatory hearing, for any one or more of the following reasons:

1. fraudulently misrepresenting the ownership, brands, or weights of livestock, the charges at a sale, the proceeds of a sale, or any other information with respect to a sale;
2. the applicant is unable to meet the registration requirements of the Packers and Stockyards Administration;
3. the applicant has violated the provisions with respect to the custodial account;
4. the applicant has violated any state or federal law or regulation governing livestock video auctions;
5. the applicant has not conducted any sales for a period of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 15:813 (October 1989), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:942 (May 2014).

§305. Livestock Dealer General Requirements (Formerly §115)

A. Louisiana livestock dealers may become permitted, provided the following requirements are met:

1. the facilities are adequate and maintained in a satisfactory condition;
2. the dealer agrees to clean and disinfect the facilities at least once each month with an approved disinfectant;
3. records of all sales and purchases must be maintained for at least 12 months. The records shall contain the complete name and address of the seller, the permanent identification number of any *Brucellosis* test eligible animals, the weight and price of the animals, and the complete name and address of the purchaser. These records shall be made available to representatives of the Livestock Sanitary Board upon request. Livestock dealers who are not permitted will be governed by §311 for cattle.

B. Livestock dealers shall furnish the purchaser with the appropriate documents (health certificate, herd test, negative 30-day test record, negative equine infectious anemia test), which indicate the animals meet the specific requirements stated in the regulations of the Livestock Sanitary Board.

C. All livestock moving into the state of Louisiana must meet federal interstate requirements, the requirements of §107, governing the admission of livestock into the state; and the requirements of the state of destination.

D. Failure of a permitted livestock dealer to meet the requirements of this and other regulations of the board, will result in the revoking of his permit and he will be subject to prosecution, as provided in R.S. 3:2096.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:562, R.S. 3:563 and R.S. 3:564.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:234 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 14:219 (April 1988), LR 17:30 (January 1991), LR 17:873 (September 1991), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:943 (May 2014).

Chapter 5. Entry Requirements to admit Animals into this State and into Events

Subchapter A. General Entry Requirements

§501. General Health Requirements Governing Admission of Livestock and Poultry (Formerly §107)

A. All livestock brought into the state shall be accompanied by an official health certificate stating that the animals are healthy, free from signs of infectious or contagious diseases and signs of internal and/or external parasites, and meet the specific requirements stated in this regulation. Health certificates are valid for 30 days only. Livestock consigned to an approved slaughter establishment or an approved livestock auction market are exempt from this requirement. No livestock affected with, or carrying the contagion of, screwworms shall be moved into Louisiana for any purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:232 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:944 (May 2014).

§503. Admittance of Livestock to Fairs, Livestock Shows, Breeders' Association Sales, Rodeos and Racetracks (Formerly §109)

A. All interstate movements of livestock consigned to Louisiana fairs, livestock shows, breeders' association sales, rodeos and racetracks must meet federal interstate requirements and the requirements of §501.

B. All livestock to be admitted to fair grounds, livestock show grounds, breeders' association sale grounds, rodeos or racetracks must be accompanied by an official health certificate, issued by an accredited veterinarian, asserting that the animals are showing no evidence of infectious, contagious or parasitic disease and are apparently healthy and have met all the specific requirements of this regulation. However, horses not congregated overnight are exempt from being accompanied by a health certificate, but must meet the requirements as stipulated in equine requirements §523.

C. Upon inspection, all livestock revealing symptoms of infectious, contagious or parasitic diseases, including external parasites such as mange mites, lice, etc., shall (at the discretion of the board's representative) be either separated and held in isolation or removed from the fair ground, livestock show grounds, breeders' association sale grounds, rodeos or racetracks and returned to the owner's premises under quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:233 (March 1985) amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:944 (May 2014).

§§505-509. Reserved.

Subchapter B. Specific Entry Requirements for Cattle, Bison, and other Bovines

§511. Admission of Cattle into Louisiana (Formerly §301)

A. All cattle entering the state must meet the general requirements of §501 and the following specific requirements.

1. Tuberculosis Requirements. All cattle over one year of age must show a negative test for tuberculosis within 30 days prior to entry. The date and results of the test and the individual identification of each animal must be recorded on the health certificate. The following are exempt from this requirement:

a. cattle that originate from a tuberculosis free accredited herd; however, they must be individually identified and the accredited herd number furnished on the health certificate;

b. beef cattle that originate from a tuberculosis free state or from a herd, not under quarantine, in a modified accredited tuberculosis free state or area;

c. cattle consigned to a recognized slaughter establishment or to an approved livestock auction market to be sold directly for immediate slaughter only.

2. *Brucellosis*

a. In addition to the above requirements, cattle entering Louisiana must meet the *Brucellosis* requirements found in part 78 of the *Code of Federal Regulations*.

b. No cattle from *Brucellosis* quarantined herds may move into Louisiana except those cattle moving to an approved livestock auction market or to an approved slaughter establishment and accompanied by the required federal form VS 1-27.

c. In addition to the requirements of §511.A.2.a, cattle must meet the following requirements.

i. Heifers between the ages of 4 and 12 months of age must be official *Brucellosis* calfhood vaccinates to be eligible to be brought into Louisiana. Exceptions to this Subparagraph are:

(a). heifers moving from a farm to an approved stock-yard or an approved slaughter establishment;

(b). individually identified heifers, less than 12 months of age, entering the state for exhibition purposes and returning to the state of origin.

ii. Effective January 1, 1989, all heifers and cows over 12 months of age, entering Louisiana, must be official *Brucellosis* vaccinates or originate from a herd that has had a complete negative herd test within the previous 12 months. A copy of the herd test record, which includes the animal(s) entering the state, must accompany the health certificate. Exceptions to this Subparagraph are:

(a). heifers and cows moving directly from a farm to an approved stockyard or an approved slaughter establishment;

(b). individually identified heifers and cows entering the state for exhibition purposes and returning to the state of origin;

(c). individually identified heifers and cows originating from a certified *Brucellosis* free herd, a *Brucellosis* class free state, or a *Brucellosis* class A state.

d. All intact male and female cattle over 12 months of age moving into the state of Louisiana from class B states must have a permit for entry prior to coming into Louisiana. These test eligible cattle must be quarantined and retested 45 to 120 days after movement into Louisiana. The following are exempt from this requirement:

i. individually identified, officially calfhood vaccinated females under 20 months of age for dairy breeds and under 24 months of age for beef breeds which are not preparturient (springers) or post-parturient, and the herd of origin is not known to be infected with *Brucellosis*;

ii. individually identified cattle originating from a certified *Brucellosis*-free herd or certified *Brucellosis*-free area, and moving directly to a Louisiana farm. The certified herd number must be recorded on the health certificate;

iii. cattle accompanied by a waybill to a recognized slaughter establishment for immediate slaughter only or to an approved livestock auction market for sale for immediate slaughter, for sale to a quarantined feedlot;

iv. steers and spayed heifers;

v. test-eligible cattle moving directly to a Louisiana auction market must have a permit for entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2221.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:236 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 13:555 (October 1987), LR 17:354 (April 1991), LR 18:835 (August 1992), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:944 (May 2014).

§513. Admittance of Louisiana Cattle to Fairs, Livestock Shows, Breeders' Association Sales and Rodeos Held in Louisiana (Formerly §303)

A. All cattle consigned to fairgrounds, livestock show grounds, sale grounds, and rodeos must meet the general requirements of §503 and the following specific requirements.

NOTE: The word "cattle" as used in this regulation refers to cattle for exhibition and/or sale and the nurse cows that may accompany them.

1. *Brucellosis*

a. No cattle from *Brucellosis* quarantined herds or *Brucellosis* quarantined areas are allowed to be exhibited in the state of Louisiana or consigned to breeders' association sales in Louisiana.

b. All heifers between four and 12 months of age, must be official *Brucellosis* calfhood vaccinates to be eligible to be shown in Louisiana.

c. All heifers and cows over 12 months of age must be official *Brucellosis* vaccinates or be from a herd that has had a complete negative herd test within the past 12 months and be tested negative to the *Brucellosis* card test within 30 days prior to admission to fairs, livestock shows, and breeders' association sales. A copy of the herd test record, which includes the animal(s) on the health certificate, must accompany the health certificate. Exceptions to this paragraph are:

i. individually identified, official *Brucellosis* calfhood vaccinates under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not pre-parturient (springers) or post-parturient. The vaccination tattoo must be recorded on the health certificate;

ii. individually identified heifers and cows originating from a Louisiana farm, which have been tested within 60 days prior to admission to fairs and livestock shows and are official *Brucellosis* vaccinates or have been part of a complete negative herd test, conducted in the past 12 months. A copy of the herd test record, which includes the animal(s) on the health certificate, must accompany the health certificate;

iii. individually identified cattle, moving directly from a certified *Brucellosis* free herd. The certified herd number must be recorded on the health certificate;

iv. individually identified heifers and cows entering the state for exhibition purposes and returning to the state of origin.

d. Individually identified cattle originating in and moving directly from a certified herd. The certified herd number must be recorded on the health certificate.

e. All bulls, 12 months of age and over, must be tested negative to the *Brucellosis* card test, within 30 days prior to admission to all fairs, livestock shows, breeders' association sales, and rodeos. All bulls must be accompanied by a current health certificate.

2. Tuberculosis. All cattle must originate from herds not under quarantine for tuberculosis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2221 and R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:236 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 12:500 (August 1986), LR 13:556 (October 1987), LR 17:29 (January 1991), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:945 (May 2014).

§§515 -519. Reserved.

Subchapter C. Specific Entry Requirements for Horses and other Equine

§521. General Requirements Governing the Admission of Equine (Formerly §501)

A. All equine imported into the state shall meet the general requirements of §501 and the following specific requirements.

1. All equine moving into Louisiana for any purpose other than consignment to an approved Louisiana livestock auction market or an approved slaughter establishment for immediate slaughter shall be accompanied by a record of a negative official test for equine infectious anemia (EIA) conducted within the past 12 months. The official test shall be conducted by an approved laboratory. The name of the laboratory, the case number and the date of the official test shall appear on the health certificate as required in §523.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2053.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 11:242 (March 1985), amended LR 11:615 (June 1985), LR 14:222 (April 1988), LR 20:405 (April

1994), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:945 (May 2014).

§523. Admission of Equine to Fairs, Livestock Shows, Breeders Association Sales, Rodeos and Racetracks (Formerly §503)

A. All equine consigned to fairgrounds, livestock show grounds, sale grounds, rodeos and racetracks must meet the general requirements of §503 and the following specific requirements.

1. It is recommended that all owners have their equine vaccinated against equine encephalomyelitis with bivalent (eastern and western type) vaccine within 12 months prior to entry. It is also recommended that owners have their equine vaccinated against Venezuelan equine encephalomyelitis (VEE) before entry.

2. Representatives of the Livestock Sanitary Board may inspect equine at the shows periodically, and any equine showing evidence of a contagious or infectious disease shall be isolated and/or removed from the show.

3. All equine moving into the state of Louisiana to fairs, livestock shows, breeder's association sales, rodeos, racetracks or any other concentration point, shall be accompanied by a record of a negative official test for equine infectious anemia (EIA), conducted within the past 12 months. The official test shall be conducted at an approved laboratory and the name of the laboratory, the case number, and the date of the official test shall appear on the record.

4. All equine moving within the state to fairs, livestock shows, breeder's association sales, rodeos, racetracks, or to any other concentration point shall be accompanied by an official record of a negative official test for EIA conducted within the past 12 months. The official test shall be conducted by an approved laboratory and the name of the laboratory, the case number, and the date of the test shall appear on the official record of the test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, Livestock Sanitary Board, LR 11:242 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 14:222 (April 1988), LR 20:405 (April 1994), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:946 (May 2014).

§525. Movement of Equine in Louisiana by Livestock Dealers (Formerly §505)

A. All equine which are sold or offered for sale by livestock dealers, must meet the general requirements of §305 and the following specific requirements.

1. All equine sold or offered for sale by permitted Louisiana livestock dealers must be accompanied by a record of a negative official test for equine infectious anemia, conducted at an approved laboratory, within the past 12 months. The record shall include the name of the laboratory, the case number and the date of the official test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:502.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, Livestock Sanitary

Board, LR 11:243 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 14:223 (April 1988), LR 20:406 (April 1994), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:946 (May 2014).

§§527-529. Reserved.

Subchapter D. Specific Entry Requirements for Poultry and Other Birds

§531. Health Requirement Governing Admission of Poultry (Formerly §701)

A. All poultry entering the state must meet the general requirements of §501 and the following specific requirements.

1. All poultry or poultry eggs for hatching, shall not be imported into Louisiana unless they originate in negative tested flocks under the supervision of the National Poultry Improvement Plan or in flocks that have passed a negative blood test for pullorum disease, under the supervision of the proper state Livestock Sanitary Board official, within 30 days prior to entry.

2. Poultry consigned to a recognized slaughter establishment may enter the state on a waybill, which must include the name and address of the consignee, the number of birds, and the name and address of the slaughter establishment. If, in the opinion of an authorized agent of the Livestock Sanitary Board, poultry consigned to a recognized slaughter establishment is of questionable health, the entire shipment will be quarantined immediately, and consigned to a poultry establishment maintaining federal inspection for wholesomeness, or be returned to the state of origin.

3. The state veterinarian may prohibit the entry of birds, eggs, or poultry by-products into Louisiana from any state which has an area under quarantine due to a contagious and/or infectious disease in the state which, in his opinion, may seriously threaten the health of Louisiana poultry.

4. Psitticine birds and mynah birds may be imported into Louisiana under permit issued by the state veterinarian. All birds imported into Louisiana will be quarantined at destination for 90 days.

5. No permits will be issued for importation into Louisiana of psitticine birds or mynah birds that have been vaccinated for Newcastle disease.

6. Birds determined to be infected with, or exposed to, exotic new-castle disease, shall be destroyed without compensation to the owner.

7. All poultry brought into Louisiana shall be accompanied by a VS Form 9-2, indicating the flock of origin is under the national poultry improvement plan and is free of *Salmonella pullorum* (pullorum) and *Salmonella gallinarum* (typhoid). If the flock of origin is not under the national poultry improvement plan, the birds must be accompanied by a test report from an approved laboratory indicating the birds were tested negative for *Salmonella pullorum/typhoid* within 30 days prior to entry into Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:244 (March 1985), amended LR 11:615 (June 1985), LR 14:224 (April 1988), repromulgated by the Department of Agriculture and Forestry,

Office of Animal Health and Food Safety and Board of Animal Health, LR 40:946 (May 2014).

§533. Admittance of Louisiana Poultry to Fairs, Livestock Shows and Poultry Shows (Formerly §703)

A. All poultry going to Louisiana fairs, livestock shows and poultry shows shall be accompanied by a Form VS 9-2, indicating the flock of origin is under the national poultry improvement plan and is free of *Salmonella* (pullorum) and *Salmonella gallinarum* (typhoid). If the flock of origin is not under the national poultry improvement plan, the birds of breeding age must be accompanied by Form VS 9-2, health certificate or certificate of veterinary inspection indicating the birds were tested negative for pullorum/typhoid within 90 days prior to admittance to the fairs, livestock show or poultry show.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 12:503 (August 1986), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:947 (May 2014).

§§535-539. Reserved.

Subchapter E. Specific Entry Requirements for Swine

§541. Health Requirements Governing Admission of Livestock (Formerly §901)

A. General Swine Requirements

1. All swine imported into Louisiana must meet the general requirements of §501 and the specific requirements of this Section.

2. No swine originating from an out-of-state livestock auction market, feeder pig sale or concentration point are eligible to move to a Louisiana livestock auction market, feeder pig sale or concentration point.

3. All swine consigned to Louisiana for feeding or breeding purposes or for exhibition must be permanently identified to the herd of origin by ear tag or tattoo (unless prohibited by federal regulation). Ear notch identification will be accepted in lieu of tag or tattoo on registered, purebred animals.

4. Feeding and/or breeding swine moving into Louisiana from an out-of-state specifically approved livestock auction market, feeder pig sale or concentration point, shall move to a Louisiana farm.

5. All eligible swine moving into Louisiana for slaughter purposes must be consigned to a specifically approved slaughter establishment maintaining state or federal meat inspection or livestock auction market specifically approved to handle slaughter hogs from out-of-state.

B. *Brucellosis*. In addition to the general requirements of §121 and the swine requirements of this Section, all swine for breeding purposes must show an official, negative test for *Brucellosis* in the 1:25 dilution or a negative swine *Brucellosis* card test within 30 days prior to date of shipment. Each animal must be individually identified to herd of origin by ear tag or tattoo unless prohibited by federal regulations (ear notch identification will be accepted in lieu of tag or tattoo on registered, purebred animals), and this identification must be recorded on the health certificate. An exception to this Section are swine from a validated

Brucellosis free herd. The validated herd number and individual identification of each animal must appear on the health certificate.

C. Pseudorabies Requirements

1. All swine moving into Louisiana must originate from herds not known to be infected with pseudorabies. A permit is required for all swine entering the state for breeding or feeding purposes. The permit number is valid for 15 days and must be recorded on the health certificate. All breeding swine, entering the state on a permit, will be quarantined at destination, to be retested in 30 to 60 days at the owner's expense.

2. Swine moving into Louisiana for breeding or exhibition must:

a. originate from herds not known to be infected with pseudorabies, and are negative to an official test for pseudorabies within 30 days of movement; or

b. originate from a qualified pseudorabies herd. The qualified herd number must be recorded on the health certificate; or

c. be shipped directly from the farm of origin in a State IV or Free State.

3. Swine moving into Louisiana for feeding purposes, must meet one or more of the following requirements:

a. pass a negative official pseudorabies serologic test within 30 days prior to interstate shipment; or

b. originate in a pseudorabies qualified negative herd; or

c. originate in a pseudorabies monitored feeder pig herd; or

d. be shipped directly from the farm of origin in a state III, IV, or free state; or

e. be sold at an approved all class market or approved slaughter market and imported for feeding in a quarantined feedlot; or

f. be sold at an approved feeder pig market and imported for feeding without restrictions.

4. Slaughter hogs moving into Louisiana, in addition to a waybill, must move:

a. directly to a recognized slaughter establishment; or

b. directly to an approved slaughter market or approved all class market, and then directly to another approved slaughter market, or to a recognized slaughter establishment or quarantined feedlot; or

c. directly to an approved slaughter market and then to a quarantined feedlot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:244 (March 1985), amended LR 11:615 (June 1985), LR 16:391 (May 1990), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:947 (May 2014).

§543. Admittance of Livestock to Fairs, Livestock Shows, Breeders' Association Sales (Formerly §903)

A. All swine consigned to fairs, livestock shows and/or breeders' association sales must meet state and federal interstate requirements if they move in interstate commerce. Louisiana swine must meet the general requirements of §503 and the specific requirements outlined in this Section.

B. All swine consigned for exhibition or sale must be permanently identified as to the herd of origin by official ear tag or tattoo, (ear notch identification will be accepted in lieu of ear tag or tattoo on registered, purebred animals), and this identification must be shown on the health certificate which accompanies the animals.

C. Swine *Brucellosis*. All breedings age swine moving within the state to fairs, livestock shows, or breeders' association sales must show an official negative card test for *Brucellosis* within 60 days prior to arrival at the fairgrounds or livestock show grounds, and within 30 days prior to arrival at breeders' association sale grounds. Swine moving to shows within the state that were purchased from validated or monitored herds are exempt from this testing requirement. Proof of purchase and validated/monitored herd numbers of the swine herd will be required.

D. Pseudorabies Requirements. All swine moving within the state to fairs, livestock shows, or breeders' association sales must show an official test for pseudorabies within 60 days prior to arrival at the fairgrounds or livestock show grounds, and within 30 days prior to arrival at breeder's association sale grounds. Swine moving to shows within the state they were purchased from qualified or monitored herds are exempt from this testing requirement. Proof of purchase and qualified/monitored herd numbers of the swine herd will be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:245 (March 1985), amended LR 11:615 (June 1985), LR 16:392 (May 1990), LR 20:1258 (November 1994), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:947 (May 2014).

§§545-549. Reserved.

Subchapter F. Specific Entry Requirements for Sheep and Goats

§551. Health Requirements Governing Admission of Livestock (Formerly §1101)

A. All sheep entering the state must meet the general requirements of §501. In addition, all sheep entering Louisiana from a state in which scabies is known to exist must be dipped within 15 days prior to shipment in a dip preparation approved for this purpose by the United States Department of Agriculture. The date and name of the dip must be recorded on the health certificate covering this movement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:247 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:948 (May 2014).

§553. Admission of Livestock to Fairs, Livestock Shows, Breeders' Association Sales and Rodeos (Formerly §1103)

A. All sheep consigned to fairgrounds, livestock showgrounds, sale grounds and rodeos must meet the general requirements of §503. In addition, all sheep to be admitted to fairgrounds, livestock show grounds, sale

grounds or rodeos must be accompanied by an official health certificate, issued by an accredited veterinarian, stating the animals are healthy and free from infectious, contagious or parasitic disease.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:247 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:948 (May 2014).

§555. Health Requirements Governing Admission of Livestock (Formerly §1301)

A. All goats imported into the state must meet the general requirements of §501. In addition, dairy goats must meet the *Brucellosis* and tuberculosis requirements stipulated for cattle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:247 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:948 (May 2014).

§§557-559. Reserved.

Subchapter G. Specific Entry Requirements for White-Tailed Deer and Captive Cervids

§§561-569. Reserved.

Subchapter H. Specific Entry Requirements for Dogs and Cats

§571. Health Requirements Governing Admission (Formerly §1901)

A. All dogs and cats imported into Louisiana for any purpose must meet the general requirements of §501 and must be accompanied by an official health certificate, issued by an accredited veterinarian, showing they have been immunized against rabies within 12 months prior to entry. Exceptions to this Section are dogs and cats which are 3 months of age or younger are exempt from the rabies vaccination requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:247 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:948 (May 2014).

§§573-579. Reserved.

Subchapter I. Specific Entry Requirements for Wild Animals

§581. Health Requirements Governing Admission (Formerly §2101)

A. Wild or semi-wild animals, under domestication or in custody, may be imported into the state of Louisiana provided that these animals meet the general requirements of §501 and a report of the number of animals to be imported are made to state veterinarian of Louisiana within 10 days of the date of shipment and immediate opportunity for examination is afforded a representative of the Livestock Sanitary Board to determine the health status of such animals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:247 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:948 (May 2014).

Chapter 7. Cattle, Bison, and other Bovines (Formerly Chapter 3)

Subchapter A. General Provisions

§§701-703. Reserved.

§705. Quarantined Cattle Feedlots (Formerly §325)

A. Permit Required. No person may operate a quarantined cattle feedlot without first obtaining a permit from the Livestock Sanitary Board. Any person operating a cattle feedlot without a valid permit will be in violation of this regulation and subject to prosecution.

B. Conditions for Issuing a Quarantined Feedlot Permit

1. The operation must not constitute a health hazard to livestock on surrounding premises, or create a public nuisance.

2. The operator must agree to abide by the provisions of this regulation and all other regulations of the Livestock Sanitary Board and United States Department of Agriculture governing such operations and movements.

C. Requirements for Operation of Quarantined Feedlots

1. All cattle must be maintained separately and apart from all other cattle. There can be no fence line contact with cattle not in the quarantined feedlot. An exception to this regulation are steers and spayed heifers.

2. Complete records must be maintained on all transactions showing dates, identification, origin and disposition of each animal. These records shall be made available to state-federal personnel upon receipt.

3. All male and female cattle except steers and spayed heifers must be "S" branded prior to or on arrival at the feedlot.

4. Necessary facilities and personnel shall be provided to enable state-federal personnel to "S" brand cattle and to determine the identification of animals that are being permitted to a slaughter establishment, quarantined feedlot, or to a stockyard to be sold for slaughter or to another quarantined feedlot.

5. All cattle movements from a quarantined feedlot must be on a Form VS 1-27 or similar document issued by state-federal personnel and shall be consigned directly to a slaughtering establishment operating under approved state or federal meat inspection, to a quarantined feedlot, to a stockyard to be sold to a slaughter establishment or to a quarantined feedlot.

6. All tuberculosis exposed animals shall be fed and maintained as a group and shall not be allowed to mix with other animals in the feedlot.

7. Feeder calves under 12 months of age from tuberculosis quarantined herds will be required to be negative to a tuberculin test within 60 days prior to shipment to the feedlot.

8. Animals will be permitted to Louisiana livestock auction markets for sale for slaughter or to a quarantined feedlot provided no tuberculosis exposed animals are received or fed on feedlot premises.

D. Cancellation of Quarantined Feedlot Permit. A quarantined feedlot permit may be canceled upon written

notice that the operation does not meet the requirements of this regulation, or has violated one or more provisions of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:241 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:949 (May 2014).

§§707-709. Reserved.

Subchapter B. Brucellosis Regulations

§711. Livestock Auction Market Requirements (Formerly §307)

A. All cattle which are sold or offered for sale in livestock auction markets must meet the general requirements of §111 and the following specific requirements.

1. Brucellosis

a. Cattle from quarantined herds or from non-qualified herds from quarantined areas are not eligible for sale in the state of Louisiana except as provided in §727, which governs *Brucellosis* quarantined herds.

b.i. All cattle that are offered for sale through Louisiana livestock auction markets, which are *Brucellosis* test eligible, must be identified by an official back tag; those animals two years of age or older, shall have this official back tag placed immediately behind the shoulder of the animal. The market shall furnish the Livestock Sanitary Board's official representative a copy of each check-in slip, showing the name of the auction market, the date, the name and complete address of each consignor, and the official back tag numbers applied to the consignor's livestock. The check-in slip shall be made available to the Livestock Sanitary Board's official representative, before the animals can be tested for *Brucellosis*.

ii. It shall be a violation of this regulation for anyone to consign livestock to a Louisiana livestock auction market and give a name and address that are not the name and address of the owner consigning the livestock to the auction market.

c. All cattle over 12 months of age are subject to the following provisions regarding testing for brucellosis.

i. Cattle that are required to be tested for brucellosis prior to sale are those which:

(a) are eligible to be returned to a farm after sale;

(b) originate from a state declared brucellosis free less for than 5 years prior to the sale date; and

(c) are tested for brucellosis are to be identified by an official metal ear tag and official back tag.

ii. Cattle that are not required to be tested for brucellosis are those that are:

(a) steers and spayed heifers;

(b) "S" branded and listed on a permit prior to shipment from a quarantine feedlot to an auction barn;

(c) individually identified cattle which are less than 24 months of age for beef breeds and less than 20 months of age for dairy breeds, that have received an official brucellosis calthood vaccination and which are not parturient or post-parturient;

(d) individually identified cattle originating in and moving directly from a certified brucellosis free herd

and accompanied by a copy of the last herd test record which includes the animal or animals being offered for sale;

(e). consigned to slaughter. These cattle are to be identified by an official back tag.

d. All heifer calves, between 4 and 12 months of age not vaccinated for *Brucellosis* must be vaccinated with USDA approved *Brucellosis* vaccine prior to being sold. Failure to accomplish this vaccination shall be a violation of this regulation and violators shall be subject to penalties which may be imposed by the Louisiana Livestock Sanitary Board as granted in R.S. 3:2093.

i. All nonvaccinated heifer calves, between 4 and 12 months of age, must be vaccinated with USDA approved *Brucellosis* vaccine prior to being sold or at the first point of sale, but in no case shall any heifer calf 4 to 12 months of age remain unvaccinated for *Brucellosis* more than 15 days after the date of sale. Exceptions to this Clause are heifer calves 4 to 12 months of age which are transported out of the state within 15 days of the date of their sale.

e. Disposition of Animals Tested at an Auction Market

i. Reactor animals vaccinated or non-vaccinated, disclosed must be branded with a 3-inch hot brand on the left jaw, tagged and removed to slaughter with a properly executed VS Form 1-27.

ii. Suspect animals, adult vaccinated or calfhood vaccinated animals, which are card test positive and either rivanol test negative or have a CITE test reaction, which is in the suspect range established by a designated epidemiologist, can be "S" branded and sold for slaughter or, at the choice of the owner, returned to the farm of origin under quarantine for retest in no less than 30 days. Additional animals in the same consignment with the vaccinated suspect(s), which are negative on the *Brucellosis* test, may move without restriction, provided they are in compliance with other appropriate regulations.

iii. All exposed animals in a consignment must be "S" branded for removal to slaughter or, at the choice of the owner, can be returned to the farm of origin under quarantine.

f. Cattle originating from *Brucellosis* quarantined herds shall be identified by ear tag and branded with a 3-inch hot "S" brand on the left jaw and accompanied by a properly executed VS Form 1-27. The branding and the issuance of VS Form 1-27 will be completed on the farm of origin prior to movement. The VS Form 1-27 will be delivered to authorized representatives at the livestock auction market. In cases where it is impractical to have the exposed cattle branded on the farm of origin, the state Veterinarian can authorize the movement of the cattle to the livestock auction market and the branding will be accomplished at this point.

i. Cattle from *Brucellosis* quarantined areas may be moved to Louisiana livestock auction markets on a permit. These animals will be "S" branded after arrival at the Louisiana livestock auction market.

ii. Cattle from quarantined areas and from *Brucellosis* quarantined herds must be sold to approved slaughtering establishments or to approved quarantined feedlots. Exceptions to §307.A.1.f.ii are:

(a). steers and spayed heifers;

(b). heifer calves eight months of age or less, from *Brucellosis* quarantined beef herds and heifer calves 6

months of age or less, from *Brucellosis* quarantined dairy herds, provided the herd is participating in an approved herd plan to eliminate *Brucellosis* from the herd;

(c). bull calves under 6 months of age, that are nursed by *Brucellosis* reactor or exposed cows, may move from the quarantined premises under permit, provided they have been weaned for not less than 30 days immediately preceding movement;

(d). exceptions Clauses ii and iii above will be deleted when part 78 of the *Code of Federal Regulations* is amended to restrict the movement of all sexually intact heifer calves from *Brucellosis* quarantined herds.

g. When *Brucellosis* reactors are found in a consignment, all remaining negative cattle in the consignment are considered exposed and shall be handled by one of the following ways.

i. The exposed cattle shall be identified by a 3-inch, hot brand on the left jaw with the letter "S" and sold directly to a recognized slaughter establishment for immediate slaughter or to a state-federal approved quarantined feedlot and shall be accompanied by a VS Form 1-27.

ii. The exposed cattle may be identified by a yellow paint mark on the left ear and returned to the original owner's premises under quarantine. All such movements will be accompanied by a quarantine notice listing the ear tag and auction tag identification numbers of the animals moving to Louisiana farms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:237 (March 1985), amended LR 11:615 (June 1985), LR 12:501 (August 1986), LR 12:598 (September 1986), LR 13:556 (October 1987), LR 14:220 (April 1988), LR 14:695 (October 1988), LR 15:810 (October 1989), LR 17:31 (January 1991), LR 18:837 (August 1992), LR 22:960 (October 1996), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1677 (September 1998), LR 25:1083 (June 1999), LR 27:182 (February 2001), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 34:2337 (November 2008), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:949 (May 2014).

§713. Governing the Sale of Cattle in Louisiana by Livestock Dealers (Formerly §309)

A. All cattle which are sold or offered for sale by livestock dealers must meet the general requirements of §305 and the following specific requirements.

1. *Brucellosis*

a. No cattle may be sold or purchased from *Brucellosis* quarantined herds, except as provided for in §729.

b.i. All cattle 12 months of age are to be *Brucellosis* test negative 30 days prior to sale. Exceptions are:

(a). steers and spayed heifers;

(b). individually identified official *Brucellosis* calfhood vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not parturient or post-parturient, that originate in and move directly from, a herd known not to be infected. The vaccination tattoo must be recorded on the health certificate;

(c). individually identified cattle originating in and moving directly from a *Brucellosis* certified free herd. The certified herd number must be recorded on the health certificate;

(d). bulls less than 18 months of age.

(e). those consigned to slaughter. An official back tag shall be applied prior to sale.

ii. In instances where *Brucellosis* reactors are found, the reactor animals must be branded with a 3-inch hot brand on the left jaw with the letter "B" and a *Brucellosis* reactor tag must be placed in the left ear. The branding of reactors and placement of reactor tags must be accomplished immediately after the animals are found to be *Brucellosis* reactors. All other cattle that have been commingled with the reactor animals for more than 24 hours are considered exposed and must be branded on the left jaw or high on the tail head by a 3-inch hot brand with the letter "S." The reactor and exposed cattle shall be separated from all other cattle immediately and placed in quarantine pens, identified as such by conspicuously placed signs. The movement of such cattle shall be restricted to:

(a). the reactor cattle must be sold directly to an approved slaughter establishment or to an approved livestock auction market for sale to an approved slaughter establishment. These animals must be accompanied by a VS Form 1-27;

(b). the exposed cattle may be moved to an approved slaughter establishment or to a state-federal approved quarantine feedlot, or to an approved livestock auction market to be sold to an approved slaughter establishment or to an approved quarantine feedlot. These animals must move on a VS Form 1-27. The exceptions to these restrictions are steers and spayed heifers.

c.i. All heifer calves between 4 and 12 months of age must be vaccinated with USDA approved *Brucellosis* vaccine prior to being sold or at the first point of sale but in no case shall any heifer calf 4 to 12 months of age remain unvaccinated for *Brucellosis* more than 15 days after the date of sale. Exceptions to this paragraph are heifer calves 4 to 12 months of age which are transported out of the state within 15 days of the date of their sale.

ii. Until Louisiana is officially classified as *Brucellosis* class A in the *Code of Federal Regulations* by the USDA Animal and Plant Health Inspection Service, Veterinary Services, all heifers and cows over 12 months of age, must be official *Brucellosis* vaccinates, (calfhood or adult), or be from a producer's herd, (not a herd owned by the dealer), that has had a complete negative *Brucellosis* herd test conducted in the past 12 months, be negative to a *Brucellosis* test within 30 days prior to, or at the time of purchase by the dealer and the animals do not come in contact with animals other than those from the herd of origin. The dealer must keep a copy of the complete negative *Brucellosis* herd test with his records, to show that the animals have met the above requirements.

iii. All livestock dealers must do the following with all of their cattle herds in order for them to be in compliance with this regulation and before they can sell any heifers and cows over 12 months of age from cattle herds owned by them.

(a). All livestock dealers must identify and record with the Livestock Sanitary Board all of their cattle herds.

(b). All livestock dealers must test all of their cattle herds annually.

(c). All permitted livestock dealers must maintain records and appropriate documents to show that purchased heifers and cows added to their herds met the *Brucellosis* testing requirements in effect at the time of purchase.

d. Cattle over 6 months of age originating in *Brucellosis* quarantined areas must originate from a qualified herd (known not to be infected), and must be *Brucellosis* test negative not less than 30 days from the date of herd qualification and within 30 days of the date of sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

e. All cattle over 12 months of age must be *Brucellosis* test negative within 30 days prior to purchase from herds not under quarantine for *Brucellosis*. The official test chart, health certificate, or a certificate of veterinary inspection, or an individual *Brucellosis* test record, must be kept for a period of 24 months following the purchase of any *Brucellosis* tested cattle. Exceptions to this Paragraph are:

i. steers and spayed heifers;

ii. individually identified official *Brucellosis* calfhood vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds;

iii. individually identified cattle originating in and moving directly from a certified *Brucellosis* free herd;

iv. test eligible cattle may be moved from a producer's premises to a dealer's premises en route to an approved stockyard or approved slaughter establishment without being tested for *Brucellosis*, provided the test is completed within 72 hours of movement from the producer's premises and records are maintained to identify the animals and identify the herd of origin. Contact with other cattle is not permitted.

v. those consigned to slaughter. An official back tag shall be applied prior to sale.

2. Tuberculosis. No cattle shall be purchased from tuberculosis quarantined herds unless moving directly to slaughter and must be "S" branded and accompanied by a VS Form 1-27.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:562, R.S. 3:2221 and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:237 (March 1985), amended LR 11:615 (June 1985), LR 12:502 (August 1986), LR 13:558 (October 1987), LR 14:221 (April 1988), LR 17:31 (January 1991), LR 18:838 (August 1992), LR 22:960 (October 1996), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1678 (September 1998), LR 25:1083 (June 1999), LR 27:182 (February 2001), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 34:2337 (November 2008), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:950 (May 2014).

§715. Governing the Sale of Purchases, within Louisiana, of all Livestock not Governed by Other Regulations (*Brucellosis* Requirements) (Formerly §311)

A. It is a violation of this regulation to sell or purchase cattle, not governed by other regulations of the Livestock Sanitary Board, in Louisiana, for any purpose other than immediate slaughter, unless they meet one of the following requirements.

1.a. Heifers 4 to 12 months of age, are to be official *Brucellosis* calfhood vaccinates prior to being sold or be vaccinated at the first point of sale but in no case shall any heifer 4 to 12 months of age remain unvaccinated for *Brucellosis* more than 15 days after the date of sale. Exceptions to this paragraph are:

- i. heifers sold to move directly to slaughter;
- ii. heifers sold to be moved directly to a quarantine feed lot;
- iii. heifers which are transported out of Louisiana within 15 days of the date of their sale.

b. Any person found in violation of Subparagraph 1.a of this regulation shall be fined no less than \$1,000 or more than \$5,000 for each count. Each nonvaccinated heifer shall be considered a separate violation and each day on which the violation occurs shall be considered a separate count.

c. Any person who has knowledge of and does not report to the LDAF any violation of Subparagraph 1.a of this regulation shall be considered in violation of this regulation and subject to the same penalties as stated in Subparagraph 1.b of this regulation.

2. Effective while Louisiana is officially classified as *Brucellosis* class B in the *Code of Federal Regulations* by the USDA Animal and Plant Health Inspection Service, Veterinary Services, all heifers and cows over 12 months of age must originate from a herd not quarantined for *Brucellosis* and must be official *Brucellosis* vaccinates (calfhood or adult) or part of a herd that has had a complete negative *Brucellosis* test, conducted within the previous 12 months and be tested negative for *Brucellosis* 30 days prior to, or at the time of, being sold or purchased. Exceptions to this Paragraph are:

a. individually identified official *Brucellosis* calfhood vaccinated heifers, under 20 months of age for dairy breeds and under 24 months of age for beef breeds, that are not preparturient (springers) or post-parturient;

b. individually identified heifers and cows, originating in and moving directly from a certified *Brucellosis* free herd.

3. Effective after Louisiana is officially classified as *Brucellosis* class A in the *Code of Federal Regulations* by the USDA Animal and Plant Health Inspection Service, Veterinary Services, all heifers and cows over 12 months of age must originate from a herd not quarantined for *Brucellosis* and be tested negative for *Brucellosis* 30 days prior to, or at the time of being sold or purchased. Exceptions to this Paragraph are:

a. individually identified official *Brucellosis* calfhood vaccinated heifers, under 20 months of age for dairy breeds and under 24 months of age for beef breeds, that are not preparturient (springers) or post-parturient;

b. individually identified heifers and cows, originating in and moving directly from a certified *Brucellosis* free herd.

4. Bulls over 12 months of age must be *Brucellosis* test negative 30 days prior to, or at the time of sale or purchase. Exception to this Subsection is individually identified bulls originating in and moving directly from a certified *Brucellosis* free herd.

5. Steers and spayed heifers may move unrestricted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 2221 and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:238 (March 1985), amended LR 11:615 (June 1985), 12:502 (August 1986), LR 13:559 (October 1987), LR 17:29 (January 1991), LR 18:837 (August 1992), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1678 (September 1998), LR 25:1083 (June 1999), LR 27:182 (February 2001), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:951 (May 2014).

§717. Testing of Cattle for *Brucellosis* (Formerly §313)

A. The testing of any cattle for *Brucellosis* shall be done by:

1. a USDA accredited veterinarian;
2. an employee of the Department of Agriculture and Forestry, Livestock Sanitary Board; or
3. an employee of the USDA, Animal and Plant Health Inspection Service, Veterinary Services.

B. All cattle tested for *Brucellosis* shall be individually identified by an official USDA ear tag, individual brand, or individual tattoo. The identification shall be recorded on the official *Brucellosis* test chart (Form VS 4-33).

C. All blood samples drawn for *Brucellosis* testing shall be submitted to the state/federal laboratory. Each sample shall be identified and the identity recorded on the official *Brucellosis* test chart. The test chart shall accompany the blood sample(s) to the state/federal laboratory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2221 and R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 18:836 (August 1992), repromulgated LR 18:1115 (October 1992), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:951 (May 2014).

§719. Sale and Use of *Brucella abortus* Antigen (Formerly §315)

A. The sale of *Brucella* antigen, manufactured for the purpose of detecting *Brucellosis* in food producing animals, shall be restricted, in Louisiana, to either the Department of Agriculture and Forestry, Livestock Sanitary Board or the USDA Animal and Plant Health Inspection Service, Veterinary Services.

B.1. The use of *Brucella* antigen manufactured for the purpose of detecting *Brucellosis* in food producing animals is restricted, in Louisiana, to authorized accredited veterinarians; authorized employees of the Department of Agriculture and Forestry, Livestock Sanitary Board; authorized employees of the USDA, Animal and Plant Health Inspection Service, Veterinary Services, and research projects approved by the state veterinarian.

2. It is a violation of the regulation for anyone other than authorized individuals to use and/or possess *Brucella* antigen. Accredited veterinarians; employees of the Department of Agriculture and Forestry, Livestock Sanitary Board; and employees of USDA Animal and Plant Health Inspection Service, Veterinary Services, are considered authorized to use *Brucella abortus* antigen to conduct a *Brucellosis* test only when proper documentation of the test (VS Form 4-33) and all blood samples are submitted to the state/federal laboratory.

3. Use and/or possession of *Brucella* antigen shall include any person that is present at the time an unauthorized test for *Brucellosis* is conducted.

C.1. All cattle tested for *Brucellosis* shall be individually identified by official ear tag, individual brand number or individual tattoo (identification such as chain numbers is not acceptable).

2. The individual identification shall be recorded on the official test chart (Form VS 4-33) and be submitted to the state/federal laboratory with the blood samples taken from each of the individually identified animal(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:239 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 13:559 (October 1987), LR 18:838 (August 1992), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:951 (May 2014).

§721. Identification and Movement of Cattle Reacting to the *Brucellosis* Test (Formerly §317)

A. All cattle showing a positive reaction to the *Brucellosis* test shall be immediately branded on the left jaw with a hot B brand no less than 3 inches in height. In addition, a reactor tag shall be placed in the left ear. (Reactors should be slaughtered as soon as possible; however, slaughter may be delayed for 45 days after the date of test provided the animals have been identified and branded and separated from the remainder of the herd. A 45-day delay in slaughter of *Brucellosis* reactors nullifies owner's eligibility for federal indemnity which requires slaughter within 15 days from the date the animal is tagged and branded as a reactive.)

B. All *Brucellosis* reactors moving from the quarantined premises must be accompanied by Form VS 1-27. These movements shall be limited to slaughter establishments specifically approved to handle *Brucellosis* reactors or to approved livestock auction markets to be offered for sale specifically approved slaughter establishments only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2226 and R.S. 3:2227.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:239 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:952 (May 2014).

§723. Sale and Use of *Brucella abortus* Vaccine (Formerly §319)

A. The sale and use of *Brucella abortus* vaccine shall be restricted to Louisiana accredited veterinarians and to Livestock Sanitary Board approved non-veterinary personnel

who administer the vaccine under the supervision of state-federal veterinarians.

B. Biological supply houses and their distributors are hereby required to send to the Livestock Sanitary Board a copy of the invoices on all shipments of *Brucella abortus* vaccine into and within, the state of Louisiana.

C. Veterinarians, drug stores, biological houses, and all other wholesale and retail distributors of *Brucella abortus* vaccine, who sell *Brucella abortus* vaccine to persons other than Louisiana accredited veterinarians, shall be prosecuted as prescribed by state law.

D. *Brucella abortus* vaccine will be administered in accordance with the method approved by the United States Department of Agriculture.

E. All heifer calves between 4 and 12 months of age must be official *Brucellosis* calfhood vaccinated, prior to being sold.

F. Adult Vaccination of Cattle

1. Adult vaccination of female cattle 12 months old or older, for *Brucellosis*, may be performed on an individual herd plan by state or federal veterinarians, provided the owner signs the official agreement to comply with the following provisions:

a. test of entire herd and removal of *Brucellosis* reactors with *Brucellosis* vaccination completed within 10 days following herd test and removal of *Brucellosis* reactors;

b. all animals vaccinated as adults will be identified with an official AV tattoo in the right ear, preceded by the quarter of the year and followed by the last digit of the year, as well as the official metal ear tag (or individual animal registration tattoo or individual animal registration brand) and plastic bangle tag, which are to be correlated on test records with the official ear tag;

c. animals so vaccinated will be quarantined and tested on the schedule established in the herd plan. The quarantine will be released when the herd has a negative test, at least 180 days after the last reactor is removed from the herd. Exceptions to this regulation are steers and spayed heifers over 6 months of age.

2. Guidelines to conduct a referendum which would make *Brucellosis* testing and *Brucellosis* vaccination of all adult cows mandatory on a parish-wide basis.

a. The referendum shall be conducted by the Livestock Sanitary Board, in conjunction with the cattle producers' organizations. The referendum will be held within 90 days after issuance of the call for the referendum. All producers of cattle in the affected area shall be eligible to participate in the referendum.

b. The referendum would give all producers of cattle in the parish an opportunity to vote for or against the referendum, which would require all cattle to be tested for *Brucellosis* and any herd which has one or more reactors, on more than one herd test, would have to be adult vaccinated for *Brucellosis* and tested according to the herd plan and adult vaccination agreement. In the absence of a herd plan, the herd would have to be tested at intervals of 180 days or less.

c. If a majority of the eligible cattle producers vote in favor of the referendum, all producers of cattle in the area shall be required to test all their cattle and adult vaccinate any infected herds as described in §723.F.1.

d. The following herds would be exempt from the testing requirements:

- i. certified *Brucellosis* free herds; and
- ii. dairy herds identified as having negative *Brucellosis* ring test.

e. The following infected herds would be exempt from mandatory adult vaccination:

- i. herds of registered cattle; and
- ii. herds of cattle comprised of all calfhood vaccinated cows.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:239 (March 1985), amended LR 11:615 (June 1985), LR 12:289 (May 1986), LR 14:222 (April 1988), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:952 (May 2014).

§725. Establishing the Official Tests for *Brucellosis* in Cattle (Formerly §321)

A. Screening Test

1. Milk Ring Test (BRT). This test is conducted by the state-federal laboratory on a composite sample of milk collected at dairy farms. A follow-up individual serological test shall be conducted on all cattle represented in a composite sample which reacts to the test.

a. A commercial dairy herd that has passed four consecutive, negative milk ring tests within the last 12 months, the tests being no less than two months or more than four months apart, will be considered a negative herd and will not be required to be blood tested as long as the herd continues to have milk ring tests four times each year, the tests being no less than two months or more than four months apart, and the results of the tests remain negative.

b. A commercial dairy herd showing a positive milk ring test will be considered *Brucellosis* infected and will be quarantined and blood tested. The *Brucellosis* status of the herd will then be determined by the results of the blood test which shall be conducted within 30 days of official notification.

2. Card Test. This test will be used by approved personnel to classify cattle negative on surveillance samples collected at slaughter or at livestock auction markets on routine samples collected on farms and on tests of suspicious and infected herds. Positive samples from *Brucellosis* vaccinated animals will be given supplemental testing when possible to aid in classification of cattle as reactors.

B. Supplemental Tests

1. Standard Plate Agglutination Test. This test may classify as negative, suspect or reactors.

2. Rivanol Test. This test may classify cattle as negative or reactor.

3. Complement Fixation Test. This test may classify cattle as negative, suspect or reactor.

4. Particle Concentration Fluorescence Immunoassay Test (PCFIA). This test may classify as negative, suspect, or reactor.

5. Concentration Immunoassay Technology Test (CITE). This test may classify as negative or reactor.

6. Any test officially approved by the USDA and recommended by the state veterinarian and the designated epidemiologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2221 and R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:240 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 18:836 (August 1992), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:953 (May 2014).

§727. Testing and Vaccination of Cattle and the Movement of Cattle from *Brucellosis* Quarantined Herds (Formerly §323)

A. Testing of Cattle in Quarantined Herds

1. Within six months of the date the quarantine was issued, an exposed herd will be tested at a date agreed upon by the owner or his representative and an authorized agent of the Livestock Sanitary Board. If a date to test an exposed herd cannot be agreed upon, the state veterinarian will establish a date to test the exposed herd and notify the owner in writing 30 days prior to the date established. An exposed herd will remain under quarantine and be tested until it has passed one complete negative test. When more than one herd test is required to obtain a complete negative test, the test date will be established by the procedures used to establish the initial herd test.

2.a. An infected herd will be tested on a schedule established in an approved herd plan or be tested at intervals of 60 days or less. The adult herd will be tested and continue to be classified as infected and under quarantine until it has passed one complete negative herd test, not less than 30 days following the date the last reactor was removed from the herd, and, in addition, a second negative herd test, no less than 180 days from the date the last reactor was removed from the herd. In addition, all infected herds must be tested six to 12 months following their release from *Brucellosis* quarantine, provided that some or all of their herd is still intact;

b. heifer calves weaned after 8 months of age, from a known *Brucellosis* infected herd, must be quarantined and held separate and apart from the known infected adult herd until they test negative for *Brucellosis* following their first calving; or

c. if heifer calves remain in a *Brucellosis* infected adult herd, the entire herd shall remain under quarantine until all the heifer calves have calved and the entire herd is tested negative for *Brucellosis*.

3. Any *Brucellosis* infected herd which has one or more reactors on more than one herd test, would be required to be adult vaccinated against *Brucellosis* and will be tested on a schedule established in an approved herd plan or be tested at intervals of 60 days or less. The herd will be tested and continue to be classified as infected and under quarantine until it has passed one complete negative test, not less than 30 days following the date the last reactor was removed from the herd and a second negative herd test, not less than 180 days from the date the last reactor was removed from the herd. In addition, the herd must be tested six to 12 months following its release from *Brucellosis* quarantine, provided that some or all of the herd is still intact.

B. Movement of Cattle from Quarantined Herds

1. *Brucellosis* reactors disclosed in a quarantined herd will be:

- a. "B" branded on the left jaw;
- b. identified with a reactor tag; and
- c. removed from the herd and sold directly to slaughter or to an approved stockyard for sale to slaughter within 45 days from the date the animal is classified as a *Brucellosis* reactor.

2.a. All cattle over 6 months of age in beef herds, will be "S" branded and identified prior to movement from the quarantined premises by an authorized agent of the Livestock Sanitary Board. In cases where it is impractical to have exposed cattle branded on the farm of origin, the state veterinarian can authorize the movement of cattle from quarantined herds to a livestock auction market for branding and identification. Exceptions to this Subparagraph are:

- i. steers and spayed heifers;
- ii. official *Brucellosis* calfhood vaccinated heifers, no more than 8 months of age and in a herd participating in an approved herd plan to eliminate *Brucellosis* from the herd.

b. All cattle over 6 months of age in dairy herds, will be "S" branded and identified prior to movement from the quarantined premises by an authorized agent of the Livestock Sanitary Board. Exceptions to this Subparagraph are:

- i. steers and spayed heifers;
- ii. calves, no more than 6 months of age which were separated from the dam at no more than seven days of age, held separate and apart from the infected herd for at least 30 days, and be identified with an official ear tag prior to movement from the premises. In addition, they must be from a herd participating in an approved herd plan to eliminate *Brucellosis*.

3. When part 78, of the *Code of Federal Regulations*, is amended to restrict the movement of all sexually intact heifer calves from *Brucellosis* quarantined herds, all cattle, regardless of age or vaccination status, will be "S" branded and identified prior to movement from any *Brucellosis* quarantined premises by an authorized agent of the Louisiana Livestock Sanitary Board. In cases where it is impractical to have exposed cattle branded on the farm of origin, the state veterinarian can authorize the movement of cattle from quarantined herds to a livestock auction market for branding and identification. Exceptions are steers and spayed heifers.

C. All movements from *Brucellosis* quarantined herds must be accompanied by a VS Form 1-27, listing the individual identification of each animal to be moved. This form must be delivered to an authorized representative at destination. These permits will be issued by an agent of the Livestock Sanitary Board.

D. All intrastate and interstate movements from *Brucellosis* quarantined herds are restricted to an approved slaughtering establishment for immediate slaughter, directly to an approved quarantined feedlot, or to an approved livestock auction market for sale to an approved slaughtering establishment or quarantined feedlot. (*Brucellosis* reactors must be sold for slaughter only, either directly to an approved slaughtering establishment or through an approved

livestock auction market for sale to such establishment.) Exceptions to §727.D are:

1. steers and spayed heifers over 6 months of age;
2. heifer calves under 12 months of age that are official calfhood vaccinates, and they originate from herds participating in an approved herd plan to eliminate *Brucellosis* from the herd.

E. Bull calves under 6 months of age that are nursed by *Brucellosis* reactor or exposed cows, may move from the quarantined premises under permit, provided they have been weaned for not less than 30 days immediately preceding movement. Exceptions to this Subparagraph are:

1. steers and spayed heifers;
2. heifer calves from beef herds that are no more than eight months of age and are in a herd participating in an approved herd plan to eliminate *Brucellosis* from the herd;
3. calves from dairy herds that are not more than 6 months of age which were separated from the dam at no more than 7 days of age, held separate and apart from the infected herd for at least 30 days, and be identified with an official ear tag prior to movement from the premises. In addition, they must be from a herd participating in an approved herd plan to eliminate *Brucellosis*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2221.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:240 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 12:289 (May 1986), LR 13:559 (October 1987), LR 14:696 (October 1988), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:953 (May 2014).

**§729. Payment of Indemnities
(Formerly §331)**

A. In addition to the general requirements stipulated in §113, the following are specific requirements for the payment of indemnities.

1. Eligibility for Payment. Producers of registered and grade cattle found to be infected with *Brucellosis* and dairymen whose herds are found to be infected with *Brucellosis* shall be eligible for an indemnity payment for each infected animal slaughtered regardless of the point of concentration where the *Brucellosis* is first identified.

2. Source and Amount of Indemnification. Indemnities may be paid by either the state or federal government. When indemnities are paid by the state of Louisiana, the amount of the payments shall be set by motion of the Livestock Sanitary Board and information concerning the level of indemnification shall be made available to all producers of livestock and dairymen.

3. Cattle Owners Not Eligible for Indemnification. No indemnity shall be paid to livestock owners who do not own the cattle 120 days prior to the testing. The owner must prove ownership of the cows tested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2224.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:242 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:955 (May 2014).

Subchapter C. Tuberculosis

§731. Testing of Cattle and the Movement of Cattle from Tuberculosis Quarantined Herds and the Establishment and Maintenance of All Tuberculosis Accredited Herds (Formerly §327)

A. Quarantine Procedures and Disposition of Movement from Quarantined Herds

1. All herds in which reactor animals are disclosed shall be quarantined. All animals in a *Mycobacterium bovis* herd shall be tested.

2. Reactors must remain on the premises where disclosed until a state or federal permit has been obtained. Movement for immediate slaughter must be direct to a slaughter establishment where approved state or federal inspection is maintained within 15 days of classification. Upon delivery to the slaughtering establishment, reactors shall be slaughtered as soon as practicable.

3. No animals classified as a reactor shall be retained.

4. Suspects to the tuberculin test shall be quarantined to the herd where found or shipped under permit to slaughter in accordance with the state and federal laws and regulations. Suspects to the caudal fold tuberculin test shall be quarantined to the premises where found until:

a. retested by the comparative-cervical tuberculin test within 10 days of the caudal fold injection;

b. retested by the comparative-cervical tuberculin test after 60 days; or

c. shipped under permit direct to slaughter in accordance with state and federal laws and regulations.

5. Exposed animals must remain on the premises where disclosed unless a state or federal permit has been obtained. Movement for immediate slaughter must be direct to a slaughtering establishment where approved state or federal inspection is maintained.

6. Sale of feeder calves from quarantined herds will be restricted. Feeder calves under 12 months of age that have passed a tuberculin test within 60 days of movement may be permitted to move intrastate to a quarantined feedlot.

7. Herds in which *Mycobacterium bovis* infection has been disclosed shall remain under quarantine and must pass two tuberculin tests at intervals of at least 60 days and one additional test after six months. The minimum quarantine period shall be 10 months from slaughter of lesion reactors.

8. Herds in which NGL reactor(s) only occur and no evidence of *Mycobacterium bovis* infection has been disclosed may be released from quarantine after a 60 day retest on the entire herd.

9. In herds where *Mycobacterium bovis* infection has been confirmed but the herd not depopulated, five annual tests on the entire herd followed by two tests at three year intervals shall be applied following the release of quarantine.

10. In herds with history lesions suspicious of bovine tuberculosis (not confirmed), two complete annual herd tests shall be applied after release of quarantine; the first test to be applied approximately one year after release of quarantine.

11. In a newly assembled herd on a premises where a tuberculous herd has been depopulated, two annual herd tests shall be applied to all cattle, the first test to be applied approximately six months after assembly of the new herd. These tests shall be followed by two complete herd tests at three year intervals.

B. Accredited Herd Plan

1. Testing of herds for accreditation or re-accreditation shall include all cattle over 24 months of age and any animals other than natural additions under 24 months of age. All natural additions shall be individually identified and recorded on the test report as members of the herd at the time of the annual test.

2. Herd additions must originate directly from one of the following:

a. accredited herd;

b. herd in an accredited free state;

c. herd in a modified accredited area that has passed a herd test of all animals over 24 months of age within 12 months and the individual animals for addition were negative to the tuberculin test conducted within 60 days; or

d. herd in a modified accredited area not meeting requirements of Subparagraph B.2.a, b, or c of this Section, individual animals for addition must pass a negative test within 60 days prior to entering the premises of the accredited herd and must be kept in isolation from all members of the accredited herd until negative to a test conducted after 60 days of date of entry. Animals added under Subparagraph B.2.b, c, or d of this Section shall not receive accredited herd status for sale purposes until they have been members of the herd at least 60 days and are included in a herd retest.

3. To qualify for accredited herd status, the herd must pass at least two consecutive annual tuberculin tests with no evidence of bovine tuberculosis disclosed. All animals must be bonafide members of the herd. Qualified herds may be issued a certificate by the local state and federal officials. The accreditation period will be 12 months (365 days) from the anniversary date and not 12 months from the date of the re-accreditation test. To qualify for re-accreditation, the herd must pass an annual test within a period of 10 to 14 months of the anniversary date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 12:289 (May 1986), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:956 (May 2014).

§733. Tuberculosis Testing of Mexican Cattle; Documentation (Formerly §341)

A. Mexican cattle which are used, or intended to be used, at rodeos, timed events, team events, or other similar events or as roping stock.

1. Mexican cattle in this category entering Louisiana from another state shall be accompanied by the following documents:

a. a certificate of veterinary inspection (CVI) that includes, in legible marking:

i. an official identification eartag (840 RFID tag or metal brite tag); and

ii. an official entry permit number issued by the department;

b. proof of a negative test for bovine tuberculosis taken within 60 days prior to the cattle entering the state;

c. the original or a certified copy of the tuberculosis test chart.

2. Mexican cattle in this category entering Louisiana directly from Mexico shall be accompanied by the documents listed in Paragraph A.1 of this Section and shall:

a. enter into quarantine at the first destination premises in the state;

b. test negative for tuberculosis within 60-120 days of arrival in this state, with all testing to be at the expense of the owner of the cattle;

c. not move from quarantine except with specific permission from the department and then only to events or activities where commingling with other cattle will not occur until confirmation of a negative post entry re-test for tuberculosis is obtained.

B. Mexican cattle that are under 18 months of age and which are brought into this state, either from another state or directly from Mexico, for grazing purposes prior to shipment to a feedlot or to slaughter shall be:

1. accompanied by a certificate of veterinary inspection (CVI);

2. moved under permit from the department only to a pasture or pen which has fencing sturdy enough to contain the cattle and to prevent co-mingling with other cattle and which pasture or pen has been approved by the department; and

3. subsequently moved from the pasture or pen only to a feedlot prior to going directly to slaughter or to a stockyard for sale for slaughter only.

C. At any time Mexican cattle enter the state and any time they are in the state, the latest tuberculosis test chart shall be, upon request, presented for inspection to a duly authorized officer, employee, or agent of the department or APHIS.

D. All Mexican cattle permanently located in this state shall be retested annually for tuberculosis at the expense of their owner.

E. All tuberculosis tests shall be conducted by a USDA accredited veterinarian, the test records shall be maintained with the cattle and, upon request, presented for inspection to a duly authorized officer, employee, or agent of the department or APHIS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and 3:2135.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 39:3246 (December 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:956 (May 2014).

§§735-739. Reserved.

Subchapter D. Mycoplasma in Dairy Cattle Regulations

§741. Routine Testing of Dairy Herds

(Formerly §333)

A. All dairy herds in Louisiana shall be tested for *Mycoplasma bovis*, ("Mycoplasma"), which causes an incurable form of mastitis in dairy cattle, in accordance with the following provisions.

1. The Louisiana Department of Agriculture and Forestry, ("department"), shall collect milk samples from a bulk tank sample collected by the milk hauler.

2. The department shall forward the samples to the Mastitis Lab at the Hill Farm Research Station ("HFRS") in Homer, Louisiana for testing.

3. HFRS shall forward the test report for each dairy herd to the department and to the owner of the dairy herd.

B. If a sample from a dairy herd tests positive for *Mycoplasma mastitis* the department shall collect a second sample directly from the bulk tank holding the dairy herd's milk and send the sample to HFRS for testing. HFRS will send the test result directly to the department, who will then notify the dairy herd's owner of the test results.

C. All dairy herds shall be tested monthly for 12 months. Any dairy herd that tests negative each month for 12 months will then be tested quarterly so long as each test is negative for *Mycoplasma mastitis*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2224.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 30:1141 (June 2004), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:957 (May 2014).

§743. Restrictions on Dairy Herds Testing Positive for Mycoplasma Mastitis (Formerly §335)

A. If the second sample from a dairy herd tests positive for *Mycoplasma mastitis* then that dairy herd shall be placed on a "Mycoplasma restricted list."

1. Individual members, male and female, of any dairy herd placed on the Mycoplasma restricted list shall be tested to identify infected animals.

2. Any animal found to be infected with Mycoplasma shall be either immediately sold for slaughter or branded with a mark acceptable to the department to show that the animal can only be sold for slaughter. If any such animal is sold at a livestock auction market, it shall be kept in quarantine separate from any other cattle.

3. No animal from a dairy herd that is on the Mycoplasma restricted list shall be sold or moved for any purpose other than slaughter unless accompanied by a health certificate showing that the animal has had a negative test for Mycoplasma within the 30 days prior to the date of sale or movement.

B. Any dairy herd found to be infected with Mycoplasma shall remain on the Mycoplasma restricted list until all infected animals are removed and bulk tank samples test negative for six months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2224.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 30:1141 (June 2004), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:957 (May 2014).

§745. Fees

(Formerly §337)

A. The department shall collect from each owner of a dairy herd a fee of no more than \$15 per milk sample to defray the cost of the testing and quarantine programs necessary to prevent, control or eradicate Mycoplasma in dairy cattle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2224.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 30:1141 (June 2004), repromulgated by the Department of Agriculture and

§§747-749. Reserved.

Subchapter E. Trichomoniasis

§751. Trichomoniasis Testing and Movement

Requirements for Cattle

(Formerly §339)

A. Every bull moved into this state and every bull within this state which is sold, exchanged, leased, rented, sold, or otherwise transferred in ownership or possession (hereafter collectively referred to as “transferred”) from one person to another shall be accompanied by a test result showing that the bull is free from Trichomoniasis (hereafter referred to as “negative test result” or “testing negative”) except for the following bulls.

1. Exhibition and rodeo bulls that are temporarily in the state only for the purpose of the event and will be leaving the state immediately after the event.

2. Bulls going direct to slaughter or being sold to go direct to slaughter.

3. Virgin bulls accompanied by a certification of virgin status signed by the owner of the bull, or the owner's representative or an accredited veterinarian and including the bull's individual identification.

4. Bulls being transported through this state in interstate commerce unless offloaded and comingled with female cattle already in this state that are not going direct to slaughter.

B. Every bull required to be accompanied by a negative test result shall be tested no later than 30 days prior to being moved into the state or the date of transfer, except for bulls that are in a trichomoniasis-free certification program or a semen certification program, recognized by the state veterinarian.

C. Every bull moved into this state and every bull within this state which is transferred from one person to another, except for the bulls listed in Paragraphs 1-4 of Subsection A of this Section, shall be identified by one or more of the following means:

1. *Brucellosis* ear tag;
2. official 840 radio frequency identification device (RFID);
3. official 840 flap or bangle tag;
4. official individual animal breed registry brand;
5. official individual animal breed registry tattoo; or
6. an official state of origin trichomoniasis tag.

D. The requirements for testing a bull for trichomoniasis are as follows.

1. All test samples shall be drawn by an accredited veterinarian.

2. The testing of samples shall be through the use of a test approved by the state veterinarian or by USDA APHIS VS that is performed at an official laboratory or by an accredited veterinarian qualified to test for trichomoniasis.

3. Test results that show that the tested animal has trichomoniasis (hereafter referred to as “positive test results” or “testing positive”) shall immediately cause the tested animal to be classified as trichomoniasis infected and subject to the restrictions set out in this Section.

4. An additional test to confirm the presence of trichomoniasis may be requested in the event of an initial positive test result, but the request for the confirmatory test

must be made to the state veterinarian within 5 business days of notification of the positive test result.

a. If the confirming test comes back negative then the tested animal is considered negative for trichomoniasis and may be moved as such.

b. If the confirming test comes back positive then the tested animal shall be subject to the restrictions set out in this Section.

5. A bull being tested for trichomoniasis shall be kept separate from female cattle at all times during the entire test period from the taking of samples until receipt of the results of the initial test results. A bull testing negative on the initial test may be comingled with female cattle upon receipt of the test results while a bull testing positive shall be immediately subject to the restriction on trichomoniasis infected bulls set out in this Section.

6. All test results for trichomoniasis, whether negative or positive, shall be reported to the state veterinarian within 24 hours after receipt of the results.

7. When a positive test result is received the treating veterinarian shall consult with the state veterinarian on the first business day after receipt of the test results to determine a plan of action regarding the animal testing positive.

E. Bulls that are required to be tested for trichomoniasis prior to being moved into this state or prior to being transferred from one person to another but which have not been tested shall be kept separate from breedable-type cattle until tested and a negative result is obtained.

F. Bulls, except for virgin bulls, that are not required to be tested for trichomoniasis prior to being moved into this state or prior to being transferred from one person to another shall, at all times, be kept separate from female cattle until tested and a negative result is obtained. However, a bull being moved direct to slaughter or sold to go direct to slaughter may be comingled with breedable-type cattle also being moved direct to slaughter or being sold to go direct to slaughter.

G. Bulls testing positive for trichomoniasis are subject to the following restrictions.

1. No known trichomoniasis infected bull shall be moved into or within this state or transferred within this state from one person to another, unless the bull is going direct to slaughter or being sold to go direct to slaughter.

2. No known trichomoniasis infected bull, whether being moved into or within this state, shall be used for breeding purposes and shall be kept separate from female cattle, from the time the first positive test result is received.

3. A trichomoniasis infected bull shall be moved direct to slaughter, or sold to go direct to slaughter within 30 days from receipt of the positive results of the original test or the results of the confirming test, whichever is later.

4. A trichomoniasis infected bull may be moved only after a VS 1-27 permit is issued by the testing veterinarian or the state veterinarian or his representative. The VS 1-27 permit shall accompany the bull upon movement of the animal.

H. If a trichomoniasis infected bull has been in a herd with female cattle then the infected bull and the other bulls in the herd are subject to the following requirements.

1. The trichomoniasis infected bull shall be immediately separated from the herd and all other bulls in

the herd and shall be moved or transferred only as allowed by this Section.

2. If there is any other bull or bulls in the herd then all other such bulls shall be immediately separated from, and kept separate from all female cattle.

3. Each such bull shall be tested for trichomoniasis as soon as possible. Test samples shall not be pooled.

4. A bull testing negative shall be immediately removed from all other bulls that have not been tested or for which the test results have not been received and shall be considered to be a negative bull for all purposes.

5. A bull testing positive shall immediately be classified as a trichomoniasis infected bull and shall be subject to the restrictions imposed in this Section on such bulls.

6. An additional test to confirm the presence of trichomoniasis may be requested in the event of an initial positive test result, but the request for the confirmatory test must be made to the state veterinarian within five business days of notification of the positive test result.

a. If the confirming test comes back negative then the bull shall be considered negative for trichomoniasis.

b. If the confirming test comes back positive then the bull shall be considered to be infected with trichomoniasis and subject to the restrictions imposed in this Section on such bulls.

I. A trichomoniasis infected herd is a herd known to contain or have contained a trichomoniasis infected bull or cow. If a virgin bull or bull that has tested negative for trichomoniasis is comingled with female cattle from a trichomoniasis infected herd then the virgin bull or bull with negative test results shall be tested for and found to be free of trichomoniasis before being moved, placed into another herd, or transferred from one person to another.

J. A cow is not required to be tested for trichomoniasis before being moved into this state or transferred from one person to another but if a cow is tested then the same procedure set out in this Section for testing a bull shall apply to the testing of a cow.

K. A cow testing positive for trichomoniasis shall be subject to the following restrictions:

1. A cow testing positive for trichomoniasis shall not be moved into this state, except to go direct to slaughter or to be sold to go direct to slaughter.

2. A cow within this state that has tested positive for trichomoniasis shall be immediately separated from, and kept separate from all bulls.

a. The cow shall be moved direct to slaughter or sold to go direct to slaughter within 30 days from receipt of the positive result of the original test or the confirming test, whichever is later, unless placed under a quarantine program approved by the state veterinarian.

b. If the cow is quarantined then it may not be moved from quarantine until the quarantine is released in writing by the state veterinarian. The cow may be released from quarantine only if the cow is subsequently tested and found to be free from trichomoniasis or if the cow is to be moved direct to slaughter or to be sold to go direct to slaughter.

3. A trichomoniasis infected cow may be moved only after a VS 1-27 permit is issued by the testing veterinarian or the state veterinarian or his representative. The VS 1-27

permit shall accompany the cow upon movement of the animal.

L. Quarantine Facilities

1. A livestock owner or lessor, livestock dealer, and a public livestock market facility may, with the written approval of the state veterinarian, establish a quarantine facility to hold bulls being moved into this state or being sold in this state until they can be tested for trichomoniasis.

2. The quarantine facility shall be inspected and approved by the state veterinarian or his representative prior to being placed into use.

3. The fencing or railing of the quarantine facility must be of material that will keep a bull from being able to breed with a cow located in an adjacent pen or pasture and of sufficient strength to keep a bull from escaping the quarantine facility.

4. A bull in a quarantine facility testing positive for trichomoniasis shall be immediately separated from, and kept separate from, all female cattle and shall be subject to the restrictions imposed by this Section on a trichomoniasis infected bull.

M. The state veterinarian may grant a written exception or variance to the provisions of this Section, with such conditions as the state veterinarian may impose, if such action is necessary to provide for unforeseen situations or circumstances. Any such exception or variance shall balance the need to protect cattle from trichomoniasis with the need to allow cattle to move in commerce.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, 3:2095, and 3:2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Board of Animal Health, LR 35:1466 (August 2009), amended LR 36:2518 (November 2010), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:958 (May 2014).

§§753-759. Reserved.

Subchapter F. Slaughterhouse Requirements for Identification, Sampling, and Records

§761. Identification of Cattle with Official Backtags and the Collection of Blood Samples from Officially Backtagged Cattle at Slaughter Establishments under State or Federal Meat Inspection (Formerly §329)

A. Official Backtagging of Cattle

1. All cattle over 24 months of age that are not officially backtagged when received by a slaughter establishment under state or federal meat inspection shall be identified by official backtag, properly placed. The name and address of the consignor, and the name and address of the owner of the herd of origin, if different from that of the consignor, shall be recorded, along with the official backtag numbers, on forms provided for this purpose. A copy shall be retained by the slaughter establishment for their records; the original is to be furnished the meat inspector to accompany blood samples to the laboratory.

2. The slaughter establishment shall be responsible for the identification of the animals and for maintaining required records.

3. Exemptions from this regulation are:

- a. steers and spayed females;
- b. *Brucellosis* branded animals; or

c. *Brucellosis* exposed ("S" branded) animals.

B. Records. All records pertaining to the identification of the cattle, name and address of consignor and the name and address of the owner of the herd of origin, if different from that of the consignor, shall be maintained and made available to representatives of the Livestock Sanitary Board upon request.

C. Blood Sample Collection. A blood sample shall be collected from each head of backtagged cattle over 24 months of age, except steers, spayed females and branded *Brucellosis* reactors. State and federal meat inspection personnel shall be responsible for the collection of the blood samples; the identification of the samples; and the packaging and mailing of the blood samples, corresponding backtags and forms to the state-federal livestock diagnostic laboratory in Baton Rouge, Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:242 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:959 (May 2014).

Chapter 9. Horses and other Equines (Formerly Chapter 5)

Subchapter A. General Provisions

§901. Reserved.

§903. Definitions

(Formerly §511)

A. Wherever in these EIA rules and regulations the masculine is used, it includes the feminine and vice versa; wherever the singular is used, it includes the plural and vice versa.

Approved EIA Testing Laboratory—a laboratory which is authorized by the board to conduct the EIA test analysis on equine blood samples.

Board—the Louisiana State Livestock Sanitary Board.

Buyer—any person who purchases EIA positive or S branded equine for slaughter.

Direct to Slaughter—for shipment or movement from the premises of origin directly to an approved slaughter establishment for the purpose of slaughter without any stopping or diversion except as is necessary or incidental to such shipment.

EIA Negative Equine—equine that is currently tested for EIA with a negative test result in accordance with these EIA rules and regulations.

EIA Positive Equine—an equine that has completed an EIA test with a positive test result.

EIA Quarantine—the secure and physical isolation of EIA positive equine, S branded equine or both in a specific confined area the perimeter of which is at all times at least 200 yards away from all other equine.

EIA Test—has the same meaning as *test for EIA* defined hereinafter.

Equine—any member of the family of *Equidae* including horses, mules, burros, donkeys, asses, and zebra.

Equine Infectious Anemia—a contagious and infectious disease of equine caused by a lentivirus the symptoms of which can include intermittent fever, depression, weakness, edema, anemia and sometimes death. The disease is also known as swamp fever and is sometimes referred to herein as "EIA."

Equine Quarantined Holding Area—an area where the secure and physical isolation of only EIA positive equine, S branded equine, or both are confined, the perimeter of which provides for separating by at least 440 yards from all other equine that are not EIA positive equine, S branded equine, or both.

Exposure to EIA—in the presence of an EIA positive equine.

Foal—an equine less than one year old.

In the Presence of—coming within 200 yards of the animal or object referred to.

Owner—any person who, in any form, possesses, has custody of, or has an ownership interest in an equine. A person is an *owner* during the period of time of the described relationship. A parent or tutor of an *owner* who is a minor is also an *owner* during the period of time that the owner-parent or tutor's minor resides with the parent or tutor. A curator of an *owner* who has been interdicted is an *owner* during the period of time that the interdict is an *owner*.

Permanent Individual Equine Identification—one of the following methods of identifying equine:

- a. operational implanted electronic identification transponder with individual number;
- b. legible individual lip tattoo; or
- c. legible individual hot brand or freeze brand other than the brand S or 72A on the left shoulder.

Person—any natural *person*, partnership, limited partnership, limited liability company, corporation, association or any legal entity whatsoever.

Premises—any immovable or movable property in which or upon which an equine is, was or could be located.

Public Livestock Market—any place, establishment or facility commonly known as a "livestock market," "livestock auction market," "sales ring," "stockyard," or the like, operated for compensation or profit as a public market for livestock, consisting of pens, or other enclosures, and their appurtenances, in which livestock are received, held, sold, or kept for sale or shipment.

Quarantine—the secure and physical isolation of equine in a specific confined area the perimeter of which is at all times at least 200 yards away from other equine.

S Branded Equine—an equine which has been branded with the letter S at least 3 inches in height on the left shoulder.

Stall Barn—a building in which equine are customarily housed.

Test for EIA—a test, approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, for scientifically testing equine for the presence of EIA. The *test for EIA* is also sometimes herein referred to as the "EIA test."

Testing Veterinarian—a veterinarian accredited by the United States Department of Agriculture who draws an equine's blood for an EIA test and who submits the blood sample to an approved EIA testing laboratory.

Verification—a written statement signed by each owner which includes the name, address, telephone number of each owner, the name of the equine, if any, the permanent individual identification of the equine, and an affirmative attestation of the date, place and the manner of ending the life of the equine.

VS Form 10-11—the form provided by the board or the United States Department of Agriculture utilized in EIA testing which provides for information including the name of the laboratory, the case number, the date of completion of the EIA test, the equine owner's name, address, telephone number and the permanent individual identification of the equine and the test results.

VS Form 1-27 Permit—a form provided, completed and issued by the board or the United States Department of Agriculture which is required before certain livestock may be moved from the premises of origin.

Written Proof of EIA Test—the VS Form 10-11 completed by an approved EIA testing laboratory which, when completed, provides the name of the laboratory, the case number, the date of completion of the EIA test, the equine owner's name, address, telephone number and permanent individual identification of the equine and the test results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:943 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:960 (May 2014).

§§905-909. Reserved.

Subchapter B. Equine Infectious Anemia (EIA)

§911. Statement of Purpose

(Formerly §513)

A. The purpose of these EIA rules and regulations is to better identify and control EIA infected equine and to remove EIA infected equine from the population in order to prevent the spread of EIA. Due to the persistent incidence of EIA in the equine population, a more stringent eradication program for removal of infected equine, which includes ending the life of EIA infected equine, is necessary. These EIA rules and regulations should be liberally construed in favor of ending the life of EIA infected equine. The authority granted therein is to be exercised only in carrying out this necessary EIA eradication program.

B. It is understood that title to an equine can be difficult to discern, that custodians and possessors are frequently the only persons exercising authority over nontitled equine and, therefore, effective enforcement of these EIA rules and regulations requires that possessors, custodians, and owners of equine share responsibility for eradication of a disease that has proven destructive to the industry and to equine. It is further understood that if in the board's view effective enforcement would not be jeopardized, the board should direct enforcement against titled owners over custodians and custodians over possessors. Notwithstanding the foregoing, the board may direct enforcement against any or all owners as defined in these EIA rules and regulations in any given case as it shall deem fit in its sole and exclusive judgment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:944 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:961 (May 2014).

§913. Equine Infectious Anemia and Louisiana Livestock Auction Market (Formerly §507)

A. Identification. Beginning February 1, 1994, all equine prior to an official test for equine infectious anemia (EIA) shall be individually and permanently identified by one of the following means:

1. implanted electronic identification transponder with individual number;
2. individual lip tattoo;
3. individual hot brand or freeze brand.

B. Equine Required to be Tested

1. All equine moving into the state of Louisiana for any purpose other than immediate slaughter, shall be accompanied by a record of a negative official test for EIA, conducted within the past 12 months. The official test shall be conducted by an approved laboratory. The name of the laboratory, the case number, and the date of the official test shall appear on the health certificate, as required in §523.

2. All equine moving within the state to fairs, livestock shows, breeders association sales, rodeos, racetracks, or to any other concentration point, shall be accompanied by an official record of a negative official test for EIA, conducted within the past 12 months. The official test shall be conducted by an approved laboratory and the name of the laboratory, the case number, and the date of the test shall appear on the official record of the test.

3. All equine sold or purchased in Louisiana shall have been officially tested negative for EIA within six months of the date of the sale or shall be officially tested negative for EIA at the time of sale or purchase. The official test shall be conducted at an approved laboratory. The official test record shall accompany the horse at the time of the sale or purchase and the name of the laboratory, the case number, and the date of the test shall appear on the official record of the test.

4.a. All equine offered for sale at Louisiana livestock auction markets must be accompanied by an official record of a negative official test for EIA conducted by an approved laboratory within 12 months of the date of the sale, except as provided in this Subsection.

i. An equine offered for sale at a Louisiana public livestock auction market shall be tested for EIA at the auction market prior to sale if the equine has not been tested or is not accompanied by a current negative official EIA test record. The auction market shall collect a \$5 identification fee from the purchaser of each such equine before the equine leaves the auction market and then remit the fee to the Department of Agriculture and Forestry. The blood sample for the EIA test shall be drawn by an accredited veterinarian and submitted for an official EIA test in accordance with these regulations. The veterinarian's fee for this service shall be collected from the seller by the auction market and paid directly to the veterinarian. An equine without a current negative official EIA test record that is sold at an auction market may be moved to the buyer's premises under a Board of Animal Health quarantine after the blood sample is taken and the veterinarian and identification fees are paid. The equine shall remain under quarantine until the official test results show that the animal is an EIA negative equine.

b. Authorized buyers for approved slaughter establishments may request that any equine they have

purchased at a Louisiana livestock auction market be restricted to slaughter. After the request, such equine shall be branded with the letter "S" on the left shoulder prior to leaving the auction market and shall be issued a VS Form 1-27 permit. The branding and permit issuing shall be done by Livestock Sanitary Board personnel.

5. All equine domiciled within the state of Louisiana shall be maintained with a negative current official test for equine infectious anemia. A negative current official test is a written result of a test conducted by an approved laboratory where said official test was performed not more than 12 months earlier. An equine is domiciled within the state when the equine has been pastured, stabled, housed, or kept in any fashion in the state more than 30 consecutive days. Written proof of a negative current official test shall be made available in the form of negative results from an approved laboratory upon request by an authorized representative of the Livestock Sanitary Board.

C. Identification and Quarantining of Equine Positive to the Official EIA Test

1. With the exception of the equine stabled at a racetrack regulated by the state Racing Commission, all equine testing positive to the official test for EIA shall be quarantined to the owner's premises and shall be destroyed or sold for immediate slaughter within 20 days of the date of the official test for EIA. If destroyed, verification of said destruction by written and signed statement must be furnished to the office of the state veterinarian. If sold for slaughter, the equine shall be accompanied by a VS Form 1-27 permit issued by Livestock Sanitary Board personnel from the owner's premises to an approved Louisiana livestock auction market or to an approved slaughter facility. The owner or trainer of all equine stabled at a racetrack regulated by the state Racing Commission testing positive to an official EIA test shall be notified immediately by the testing veterinarian, or by racetrack officials, or by Livestock Sanitary Board personnel and the equine testing positive shall be removed from the racetrack premises immediately. Exceptions are:

a. upon request by the owner, any female equine testing positive to the official test for EIA that is at least 270 days pregnant or has a nursing foal no more than 120 days of age at her side may be quarantined to the owner's premises and kept at least 200 yards away from any other equine. The female equine shall be identified with a "72A" brand at least 3 inches in height on the left shoulder. The female equine may remain in quarantine until her foal dies or reaches an age of 120 days at which time the female equine shall be destroyed or sold for immediate slaughter within 20 days. If destroyed, verification of said destruction by written and signed statement must be furnished to the office of the state veterinarian. If sold for slaughter, the female equine shall be accompanied by a VS Form 1-27 permit issued by Livestock Sanitary Board personnel from the owner's premises to an approved Louisiana livestock auction market or to an approved slaughter facility;

b. any foal kept in quarantine with its EIA positive dam shall be officially tested for EIA no later than 90 days after it is weaned;

c. any equine testing positive to the official EIA test prior to the effective date of this regulation may be

quarantined to the owner's premises and kept at least 200 yards away from any other equine. This equine shall be identified with a "72A" brand at least 3 inches in height on the left shoulder. If the EIA positive equine is sold, it must be sold for slaughter and a VS Form 1-27 permit must be issued by Livestock Sanitary Board personnel to move the EIA positive equine from the owner's premises to slaughter. If the EIA positive equine is destroyed or dies, verification of said destruction or death by written and signed statement must be furnished to the office of the state veterinarian;

d. any EIA positive equine found in violation of this quarantine shall be required to be sold for slaughter or destroyed within 20 days.

2. All equine stabled at a racetrack regulated by the state Racing Commission, testing positive to the official EIA test and immediately removed from the racetrack shall be quarantined to the premises to which they are moved and shall be destroyed or sold for immediate slaughter within 20 days of the date of the official test for EIA. If destroyed, verification of said destruction by written and signed statement must be furnished to the office of the state veterinarian. If sold for slaughter, the equine shall be accompanied by a VS Form 1-27 permit issued by Louisiana Livestock Sanitary Board personnel from the owner's premises to an approved Louisiana livestock auction market or to an approved slaughter facility.

3. With the exception of the equine stabled at a racetrack regulated by the state Racing Commission, the following shall be quarantined and officially tested for EIA no sooner than 30 days after the positive equine has been removed:

a. all equine on the same premises as an equine testing positive to the official EIA test;

b. all equine on all premises within 200 yards of the premises of the equine testing positive to the official EIA test; and

c. all equine which have been on these aforementioned premises within the past 30 days at the time the equine which is positive to the official EIA test was tested.

4. All equine stabled at a racetrack regulated by the state Racing Commission which are stabled in the same barn or in a directly adjacent barn of an equine which tests positive to the official EIA test shall be quarantined until the positive equine is removed and all other horses in the aforementioned barns are tested negative to the official EIA test.

5. Equine which are required to be officially tested for EIA as a result of being quarantined due to the circumstances described in §507.C.3 and 4 of this Section may be tested by an accredited veterinarian chosen by the owner or by a state employed veterinarian if requested by the owner of the quarantined equine. In the event that the official testing for EIA is done by a state employed veterinarian, the official record (VS Form 10-11) will not be made available to the owner.

6. Equine positive to the official test for EIA shall be identified with a "72A" brand on the left shoulder at least 3 inches in height, by Livestock Sanitary Board personnel. Equine positive to the official test for EIA will be retested prior to identification by branding upon request by the

owner, by Livestock Sanitary Board personnel and the blood sample submitted to the Louisiana Veterinary Medical Diagnostic Laboratory for confirmation.

D. Collection and Submission of Blood Samples

1. All blood samples for official EIA testing must be drawn by an accredited veterinarian and submitted to either an approved laboratory or the Louisiana Veterinary Medical Diagnostic Laboratory as provided herein. The seller of any equine which sells at a Louisiana livestock auction market in which the gross proceeds from the sale are less than \$50 may request that the blood sample be drawn by Livestock Sanitary Board personnel.

2. Blood samples for official EIA testing shall be accompanied by a VS Form 10-11, equine infectious anemia laboratory test report, with completed information as to the equine owner's name, address, telephone number, and permanent individual identification of the equine. The VS Form 10-11 shall be considered the official record for all official EIA tests conducted in Louisiana.

3. Only serum samples in sterile tubes shall be accepted for testing.

4. Blood samples drawn for EIA testing at Louisiana livestock auction markets and blood samples drawn for EIA testing by Livestock Sanitary Board personnel shall be submitted to the Louisiana Veterinary Medical Diagnostic Laboratory for testing.

E. Testing of Blood Samples Collected

1. Only laboratories approved by the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services, shall be authorized to conduct the official test for EIA in Louisiana and such laboratories must also receive approval by the Livestock Sanitary Board.

2. Approved laboratories shall submit the original (white copy) of each VS Form 10-11 at the end of each week to the Livestock Sanitary Board office.

3. Approved laboratories may charge a fee to the accredited veterinarian for conducting the official test.

F. Requirements for a Permit for the Operation of an Equine Quarantine Holding Area

1. Any buyer desiring to operate an equine quarantine holding area must file an application for approval of the facility on forms to be provided by the Livestock Sanitary Board.

2. The facility to be operated as an equine quarantine holding area, must have an area where equine testing positive to the official EIA test and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

3. The facility must be approved by the Livestock Sanitary Board in an inspection of the premises prior to the issuance of the permit.

4. The buyer desiring to operate an equine quarantine holding area, must agree, in writing, to comply with the rules and regulations of the Livestock Sanitary Board.

5. No other equine except equine consigned for slaughter, shall be kept in an equine quarantine holding area.

6. No equine shall be kept in the equine quarantine holding area longer than 60 days.

7. All permits must be renewed annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, Livestock Sanitary

Board, LR 11:243 (March 1985), amended LR 11:615 (June 1985), LR 14:223 (April 1988), LR 14:697 (October 1988), LR 20:406 (April 1994), LR 20:1257 (November 1994), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 35:406 (March 2009), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:961 (May 2014).

§915. Equine Infectious Anemia Testing Laboratory (Formerly §509)

A. No person shall operate an equine infectious anemia testing laboratory without first obtaining approval from the Livestock Sanitary Board.

B. Conditions for Approving an Equine Infectious Anemia Testing Laboratory

1. The person must submit an application for approval to the office of the state veterinarian.

2. An inspection of the facility must be made by someone representing the office of the state veterinarian and who shall submit a report to the Livestock Sanitary Board indicating whether or not the person applying for an equine infectious anemia testing laboratory approval has the facilities and equipment which are called for in Veterinary Service Memorandum 555.8.

3. The applicant must agree, in writing, to operate the laboratory in conformity with the requirements of the regulation and Veterinary Service Memorandum 555.8.

4. The applicant must show the board that there is a need for the laboratory.

5. If the application is approved by the Livestock Sanitary Board, the applicant will proceed with training, examination, and United States Department of Agriculture laboratory visitation.

6. Laboratory check test results shall be provided to the state veterinarian for final approval.

7. All equine infectious anemia testing laboratories which have been approved by the United States Department of Agriculture, prior to the adoption of this regulation, shall be automatically approved at the time this regulation goes into effect.

C. Conditions for Maintaining Equine Infectious Anemia Testing Laboratory Approval

1. Laboratories must maintain a work log clearly identifying each individual sample and tests results, which must be available for inspection, for a period of 18 months from the date of the test.

2. Laboratories must maintain on file and make available for inspection, a copy of all submitting forms for a period of 18 months.

3. Laboratories must continually meet all the requirements of Veterinary Services Memorandum 555.8.

4. Samples shall be periodically collected and laboratories periodically inspected without prior notification.

5. Laboratories shall report, immediately, by telephone or telephonic facsimile, all positive results to the official test for EIA to the state veterinarian's office.

6. The state veterinarian shall renew the approval in January of each year, as long as laboratories maintain the standards required by this regulation and Veterinary Services Memorandum 555.8.

D. Cancellation of Equine Infectious Anemia Testing Laboratory Approval. An equine infectious anemia testing laboratory may have its approval canceled if the Livestock Sanitary Board finds, at a public hearing, that the laboratory

has failed to meet the requirements of this regulation or has falsified its records or reports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 14:698 (October 1988), amended LR 20:408 (April 1994), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:963 (May 2014).

§917. Obligations of Owners (Formerly §515)

A. Any owner of equine that are physically located in Louisiana shall timely accomplish the following mandatory requirements, except as provided in §519 herein.

1. Every owner shall have a permanent individual equine identification for each of their equine completed not later than the time of the initial test for EIA called for herein and as otherwise provided for in these EIA rules and regulations.

2. Every owner shall, at the following times, have their equine tested by an approved EIA testing laboratory with blood samples drawn by a testing veterinarian and shall maintain written proof of and the results of such tests for not less than 24 months.

a. Every owner shall have all of the owner's equine tested for EIA at least every 12 months.

b. Every owner shall have all of the owner's foals first tested for EIA no later than one year after the foals are born.

c. Every owner shall have all of the owner's equine coming into the state accompanied with written proof of said equine having been tested negatively for EIA not more than 12 months prior to the date of the equine's entry into the state.

d. Every owner shall have all equine, for which written proof of a negative EIA test cannot be provided, immediately quarantined, tested for EIA, and permanently and individually identified within 20 days of the date upon which an unfulfilled request for written proof of a negative EIA test is made by an authorized agent of the board.

e.i. Owners must test for EIA any equine, except EIA positive equine and S branded equine, that is for any length of time:

(a) in the presence of any equine quarantined holding area; or

(b) in the presence of an EIA positive equine; or

(c) on the same premises as an EIA positive equine; or

(d) on a premises with a perimeter less than 200 yards from the perimeter of the premises of an EIA positive equine.

ii. Said test shall be conducted no earlier than 30 days after the date of the EIA test of the EIA positive equine.

iii. The owners shall ensure that said test for EIA is conducted no sooner than 30 days and, to the extent possible, no later than 60 days from the last date upon which the owners' equine was in the presence of the EIA positive equine or in any of the aforementioned places, but, in any event, the said EIA test shall be conducted.

f. Every owner shall have all equine that are to have their ownership changed tested for EIA within six months prior to the change.

g.i. Every owner offering equine for sale at public livestock markets without written proof of a negative EIA test conducted within six months of sale or without permanent individual equine identification shall have the equine quarantined, fitted with permanent individual equine identification if not already so fitted, tested for EIA and the results of a negative EIA test before the equine may be removed from quarantine.

ii. All such owners shall have the blood sample drawn for the EIA test before the equine leaves the public livestock market.

iii. If no veterinarian is available for official EIA testing of equine at a public livestock market, EIA testing shall be conducted by an authorized agent of the board.

iv. Prior to the drawing of blood for the EIA test required by §917.A.2, the owner shall authorize payment of the testing fee for the EIA test to the testing veterinarian.

v. The purchaser of the equine shall pay the identification fee before the equine leaves the public livestock market.

h. Every owner offering equine for sale at public livestock markets without permanent individual equine identification shall have said equine fitted with permanent individual equine identification before said equine leaves the public livestock market.

3. Every owner shall have all of the owner's equine stabled at a racetrack governed by the Louisiana State Racing Commission which are EIA positive immediately and individually quarantined and removed from the racetrack. Owners of other equine which were in the same or directly adjacent stall barns as an EIA positive equine shall be tested for EIA. The EIA testing shall, to the extent possible, as determined by the board, be conducted no sooner than 30 days and no later than 60 days after the date upon which the EIA positive equine was removed from the presence of the equine being tested but, in any event, the said EIA test shall be conducted.

4. Every owner shall immediately, upon receipt of knowledge of a positive EIA test, quarantine and thereafter maintain quarantine of all EIA positive equine until the end of the equine's life as provided herein.

5.a. Every owner shall have all equine which test positive for EIA branded by an authorized agent of the board with a 72A brand at least 3 inches in height on the left shoulder immediately upon receipt of the positive EIA test report.

b. Upon request by the owner to the board, an owner shall be permitted to retest the EIA positive equine by a veterinarian employed by the board prior to a 72A brand being placed on the EIA positive equine.

6. In no event shall any EIA positive equine be moved from one immovable premises to another without a VS Form 1-27 permit issued by an authorized agent of the board accompanying the EIA positive equine.

7. Every owner who receives notice of a positive EIA test shall inform all other owners of the relevant equine of the test results within 24 hours of having received notice of the EIA test results.

8.a. Every owner shall cause the ending of the life of or end the life of all equine testing positive for EIA, immediately upon notice of the positive result of the EIA test and shall provide verification of the death of such equine by

written and signed statement of the owner which shall be furnished to the office of the state veterinarian.

b. In the event any EIA positive equine is to be sold for slaughter, the owner shall secure a VS Form 1-27 Permit issued by an authorized agent of the board before the equine may be moved from the premises where the EIA positive equine was quarantined and the owner shall cause the EIA positive equine to be accompanied with the VS Form 1-27 permit issued by an authorized agent of the board when the EIA positive equine is en route to or at the public livestock market.

c. When the equine is sold for slaughter a properly completed VS-Form 1-27 permit may serve as the verification called for herein.

9.a. Upon written or oral request by an authorized agent of the board, all owners shall immediately make available written proof of an EIA test demonstrating compliance with the EIA testing requirements of these EIA rules and regulations. If the requested written proof is not provided to an authorized agent of the board, the equine shall be presumed to be untested.

b. When a change of possession, custody or ownership of an equine occurs, the owner transferring possession, custody or ownership shall physically transfer to the transferee written proof of the most recent EIA test of the equine transferred.

10. Every owner of equine shall provide the names, addresses and telephone numbers of all other owners, if any, to the board upon the request of an authorized agent of the board.

11. Every owner shall, without prior notice, permit and assist authorized agents of the board in the inspection of equine and inspections to determine compliance with these EIA rules and regulations, including inspection of the equine's permanent individual equine identification, inspection of the manner in which any EIA quarantine is being maintained, inspection of the collection of blood samples for EIA tests and inspections relating to the establishment of EIA quarantines.

12. All owners of an equine are responsible and liable in solido to the board for any violation of these EIA rules and regulations involving that equine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:945 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:964 (May 2014).

§919. Exceptions (Formerly §517)

A. Notwithstanding any other provision hereof, the written proof of EIA test and the requirements of these EIA rules and regulations need not include permanent individual equine identification of equine for those equine that temporarily enter Louisiana from another state and that depart Louisiana before the passage of 12 months since such equine's last EIA test. This exception does not apply to equine offered for sale at a public livestock market. All equine, including those temporarily in Louisiana from another state that are offered for sale at a public livestock market, and their owners are subject to all requirements of

§917.A.2.g.i including those pertaining to permanent individual equine identification.

B. Upon request by any owner, any mare or dam testing positive for EIA that is at least 270 days into term or has a nursing foal no more than 120 days of age may be quarantined to the owner's premises prior to ending the mare's or dam's life until not later than 20 days after either her foal dies or reaches an age of 120 days by which time the mare's or dam's life shall be ended. Notwithstanding the foregoing exception, all owners shall have the EIA positive mare or dam branded with a 72A brand at least 3 inches in height on the left shoulder immediately upon receipt of the EIA positive test report.

C. Notwithstanding any other provision hereof, all owners of equine which tested positive for EIA prior to February 1, 1994 shall be permitted to confine such equine to a quarantine approved by the board in lieu of ending the EIA positive equine's life. However, in the event such a quarantine is elected by the owner and such a quarantine is thereafter shown to have been violated and the board can demonstrate, after notice and hearing, that the quarantine was not, in every respect, maintained in accordance with these EIA rules and regulations and any special conditions, then, in that event, the owner shall, within 20 days of such finding, cause the ending of the life of, end the life of, or sell for slaughter any EIA positive equine so found in violation of the quarantine.

D. The seller of any equine which is sold at any public livestock market with gross proceeds from the sale being less than \$50 shall not be required to pay the testing fee required herein for the EIA test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:946 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:965 (May 2014).

§921. Collection and Submission of Blood Samples (Formerly §521)

A. All blood samples for EIA testing must be drawn by a testing veterinarian and submitted to an approved EIA testing laboratory. The seller of any equine sold at a public livestock market in which the gross proceeds from the sale are less than \$50 may request that the blood sample be drawn by authorized agents of the board, which, if granted, shall satisfy the requirements of these EIA rules and regulations in that respect.

B. Blood samples submitted to the approved EIA testing laboratory for official EIA testing shall be accompanied by and submitted with a VS Form 10-11, equine infectious anemia laboratory test report, signed by the testing veterinarian, with completed information as to the equine owner's name, address, telephone number, date blood sample drawn and permanent individual identification of the equine.

C. Blood samples in nonsterile tubes shall not be accepted for testing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:946 (August 1997), repromulgated by the Department of Agriculture and Forestry,

**§923. Penalties
(Formerly §523)**

A. The penalty for a violation of these EIA rules and regulations shall be a fine of up to \$1,000 for each violation. With regard to continuing violations, whether acts or omissions, each day a violation occurs or continues shall be a separate violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:966 (May 2014).

**§925. Enforcement
(Formerly §525)**

A. In addition to those relevant provisions of law, the board may do the following, as is necessary, to carry out the board's powers and duties and to accomplish the purpose of the EIA eradication program.

1. The board may brand and permanently, individually identify equine.

2. The board may quarantine equine, EIA positive equine and equine in their presence, cause the ending of the life of EIA positive equine, end the life of EIA positive equine or cause the sale of EIA positive equine for slaughter.

3. An authorized agent of the board may enter any premises or place where equine are present during reasonable hours with or without prior notice for the purpose of determining whether these EIA rules and regulations have been violated and to inspect the equine for the presence of EIA and exposure related to EIA. A testing veterinarian employed by the board may draw blood samples from the equine present for the EIA test.

4.a. Any authorized agent of the board shall have access to, and may enter at all reasonable hours, all places of business dealing in or with equine and all places of business where books, papers, accounts, records, or other documents related to equine are maintained.

b. The board may subpoena, and any authorized agent of the board may inspect, copy, audit or investigate any of the books, papers, accounts, records, or other documents pertaining to equine, all for the purpose of determining whether there is compliance with the provisions of R.S. 3:2091-2100, and with these EIA rules and regulations.

c. The authority granted in §925.A.4.b shall also extend to books, papers, accounts, records, or other documents of persons doing business with the above referenced places of business.

5. The board may apply to a court of competent jurisdiction for a warrant to conduct any reasonable searches and seizures as is necessary to carry out the board's powers and duties not already provided for in these EIA rules and regulations.

6. The board may declare abandoned any equine with no apparent owner. The board is authorized to seize, test for EIA and fit with permanent individual identification any equine that has been declared abandoned. The board may also cause the ending of the life of, end the life of, or sell for

slaughter any EIA positive equine that has been declared abandoned. Prior to any declaration of abandonment on the grounds of having no apparent owner, the board shall make reasonable inquiry in the geographic area where the relevant equine was initially located, and such reasonable inquiry shall include placing an advertisement in no less than two publications in the print media of greatest circulation near the geographic area where the equine was found. Further, no declaration that an equine is abandoned shall be made until 15 days have passed since the last publication seeking the owner was made.

7. The board may issue written orders in preventing, controlling or eradicating EIA, and a violation of any such order shall constitute a violation of these EIA rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:966 (May 2014).

**§927. Fees
(Formerly §527)**

A. There shall be a testing fee of not more than \$18 per EIA test at all public livestock markets. All public livestock markets shall collect the testing fee of not more than \$18 per EIA test from sellers of equine which arrive at public livestock markets untested for EIA within six months prior to the equine's sale or offering for sale. The public livestock market shall forward the testing fee to the testing veterinarian.

B. There shall be an identification fee of \$5 at all public livestock markets. All public livestock markets shall collect an identification fee of \$5 per equine from purchasers of equine for all equine which arrive at public livestock markets untested for EIA within six months prior to the equine's sale or offering for sale. The public livestock market shall forward the fee to the Louisiana Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:966 (May 2014).

**§929. Approved Equine Infectious Anemia Testing Laboratories
(Formerly §529)**

A. No person shall operate an approved EIA testing laboratory without first obtaining approval from the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, and from the board.

B. The conditions for approving an EIA testing laboratory are as follows.

1. Any person applying for an EIA testing laboratory approval must submit a written application for approval by the board to the office of the state veterinarian.

2. An inspection of the facility must be made by a representative of the office of the state veterinarian who shall submit a report to the board indicating whether or not

the person applying for an EIA testing laboratory approval has the facilities and equipment which are called for by the United States Department of Agriculture, currently contained in the Animal and Plant Health Inspection Service, Veterinary Services Memorandum 555.8.

3. Any person applying for an EIA testing laboratory approval must agree in writing to operate the approved EIA testing laboratory in conformity with the requirements of the United States Department of Agriculture, currently contained in Animal and Plant Health Inspection Service, Veterinary Services Memorandum 555.8.

4. If the application is given preliminary approval by the board, the person applying will proceed with successful completion of training, examination, and inspection by the United States Department of Agriculture.

5. Laboratory check test results of the United States Department of Agriculture shall be provided to the state veterinarian for final approval by the board.

6. All EIA testing laboratories which have been approved by the United States Department of Agriculture, prior to the effective date of this regulation, shall be deemed approved at the time this regulation goes into effect.

C.1. Approved EIA testing laboratories must maintain a work log clearly identifying each individual blood sample, EIA test result and VS Form 10-11, all of which must be preserved and available for inspection, for a period of time of not less than 24 months from the date of the EIA test.

2. Approved EIA testing laboratories must maintain on file and make available for inspection a copy of all VS 10-11 forms for a period of 24 months.

3. Approved EIA testing laboratories must at all times meet all the requirements of the United States Department of Agriculture, including those requirements currently contained in Animal and Plant Health Inspection Service, Veterinary Services Memorandum 555.8.

4. Blood samples shall be periodically collected and approved EIA testing laboratories periodically inspected by a representative of the office of the state veterinarian with or without prior notification.

5. Approved EIA testing laboratories shall immediately report by postage prepaid U.S. first class mail, telephone and telephonic facsimile all positive EIA test results to the state veterinarian's office.

6. The state veterinarian shall renew the approval of approved EIA testing laboratories in January of each year, provided the approved EIA testing laboratories maintain the standards required by this regulation and by the United States Department of Agriculture, currently contained in Animal and Plant Health Inspection Service, Veterinary Services Memorandum 555.8.

7. Approved EIA testing laboratories must submit the white original of each VS Form 10-11 not less than monthly to the board.

8. Approved EIA testing laboratories may charge a fee to the testing veterinarian for conducting an EIA test.

D. All records of EIA tests conducted by an approved EIA testing laboratory shall contain the name of the approved EIA testing laboratory.

E. An approved EIA testing laboratory may have its approval canceled if the board finds that the approved laboratory has failed to meet the requirements of the EIA rules and regulations, has falsified its records or reports, or

has failed to maintain the standards required by this regulation and by the United States Department of Agriculture, currently contained in Animal and Plant Health Inspection Service, Veterinary Services Memorandum 555.8.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:966 (May 2014).

§931. Equine Quarantined Holding Area (Formerly §531)

A. Any person desiring to operate an equine quarantined holding area must file a written application for approval of the facility to the board and shall have:

1. the equine quarantined holding facility and area inspected and approved by the board; and

2. agree, in writing, to comply with these EIA rules and regulations.

B. No other equine except equine consigned for slaughter shall be kept in an equine quarantined holding area and all equine held therein shall be S branded.

C. No equine shall be kept in the equine quarantined holding area longer than 60 days by which time the life of any such equine shall be ended.

D. No equine shall be released from an equine quarantined holding area except to be delivered direct to slaughter.

E. The equine quarantined holding area shall be an area where EIA positive equine, S branded equine or both are kept at least 440 yards from all other equine at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:967 (May 2014).

§933. General Provisions—Equines (Formerly §533)

A. The permit for operating an equine quarantined holding area upon approval shall be issued by the board and shall be subject to renewal annually upon such terms, conditions and requirements as the initial issuance or upon terms, conditions and requirements as are necessary to carry out the purposes of these EIA rules and regulations.

B. All equine that arrive at a public livestock market, that have had a blood sample drawn for an EIA test, been fitted with a permanent individual equine identification, and that have had their fee paid, may be moved by the purchaser to the purchaser's premises and, if so moved, shall be held by the purchaser under quarantine until the EIA test results are received.

C. For purposes of these EIA rules and regulations the date of the drawing of the blood sample used for an EIA test shall be deemed the date of the conduct of the EIA test sometimes referred to as the date of the EIA test.

D. No person may import into Louisiana any equine that is EIA positive.

E. Authorized buyers for approved slaughter establishments may request that any equine purchased by the

approved slaughter establishment at a public livestock market be restricted to slaughter. Upon such request, an authorized agent of the board shall place an S brand on said equine and shall issue a VS Form 1-27 Permit before the said equine may leave the public livestock market.

F. No person shall conspire with another person or aid and abet another person in the violation of these EIA rules and regulations.

G. No person shall give false information, in any form, to the board or any representative thereof.

H. No equine under EIA quarantine or quarantine may be moved except with a VS Form 1-27 permit.

I. No equine under EIA quarantine or quarantine may be sold other than directly to slaughter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:948 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:967 (May 2014).

§935. Severability (Formerly §535)

A. If any part of these EIA rules and regulations is declared to be invalid for any reason by any court of competent jurisdiction, said declaration shall not affect the validity of any other part not so declared.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:949 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:968 (May 2014).

Chapter 11. Poultry and Other Birds (Formerly Chapter 7)

§1101. Reserved.

§1103. Slaughter and Testing of Poultry of Questionable Health (Formerly §705)

A. Poultry consigned from within the state of Louisiana to a recognized slaughter establishment which is, in the opinion of an authorized agent of the Livestock Sanitary Board, of questionable health, then the poultry will be quarantined and the entire shipment reconsigned to a slaughter establishment maintaining federal inspection for wholesomeness, or returned to the place of origin.

B. All hatcheries and hatchery supply flocks within the state must be qualified as U.S. pullorum/typhoid clean or have met equivalent requirements for pullorum/typhoid control under official state supervision. If other domesticated fowl, with the exception of waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum/typhoid infection shall be demonstrated by an official blood test of each of these fowl.

C. All flocks which test positive for *Salmonella pullorum* or *Salmonella galinarum* shall be followed by an investigation by the official state agency to determine the origin of the infection.

D. All flocks found to test positive for pullorum or typhoid shall be quarantined until marketed or destroyed under the supervision of the official state agency or until

subsequently blood tested at intervals of at least 21 days and until two consecutive negatives tests are obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:244 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 15:812 (October 1989), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:968 (May 2014).

§1105. Sanitary Disposal of Dead Poultry (Formerly §707)

A. All commercial poultry producers are required to obtain a certificate of approval. Failure to obtain a certificate shall be considered a violation of this regulation. Certificates of approval are continuous, but subject to review and cancellation should the poultry producer fail to dispose of dead poultry in accordance with this regulation.

B. Dead poultry must be removed from the presence of live poultry without delay. The carcasses, parts of carcasses and offal must be held in covered containers until disposal is made by one of the approved methods. In no instance, however, will the storage of dead poultry be allowed to create sanitary problems. Commercial poultry producers shall be required to dispose of dead poultry by one of the following methods.

1. Disposal Pits. Disposal pits shall be constructed in a manner and design capable of providing a method of disposal of dead poultry to prevent the spread of diseases. Disposal pits that are currently in use will be allowed to operate until July 1, 1997.

2. Incinerators. Incinerators shall be constructed in a manner and design capable of providing a method of disposal of dead poultry to prevent the spread of diseases. The design and construction must be approved by an authorized representative of the Livestock Sanitary Board.

3. Rendering Plant. Dead poultry, parts of carcasses and poultry offal may be transported in covered containers to approved rendering plants. Poultry carcasses may be held on the premises of commercial poultry producers as long as the storage does not create a sanitary problem. All such methods of storage and transportation of dead poultry to approved rendering plants must be approved by an authorized representative of the Livestock Sanitary Board.

4. Composting. The design, construction, and use of compost units must be approved by an authorized representative of the Livestock Sanitary Board.

5. Digesters. Poultry digesters may be used if the following conditions are met:

a. the design, construction, location, and use of digesters must be approved by an authorized representative of the Livestock Sanitary Board;

b. the bacteria being used in the digester must be approved by an authorized representative of the Livestock Sanitary Board;

c. the digester must be maintained according to recommendations of an authorized representative of the Livestock Sanitary Board.

C. In the event of the death of more than 1 percent of broilers or 0.5 percent of pullets or breeders over four weeks of age on the same premises within a 24-hour period of time, the death of which is not known to be caused by a

contagious or infectious disease, the dead poultry may be disposed of by on-site burial. The state veterinarian's office must be notified immediately by telephone or facsimile in the event of excessive mortality requiring on-site burial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:244 (March 1985), amended LR 11:615 (June 1985), LR 17:874 (September 1991), LR 18:1355 (December 1992), LR 20:863 (August 1994), LR 23:949 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:968 (May 2014).

Chapter 13. Swine (Formerly Chapter 9)

Subchapter A. General Provisions

§§1301-1309. Reserved.

Subchapter B. *Brucellosis* and Pseudorabies

§1311. Quarantining, Vaccinating and Testing Swine for *Brucellosis* and Pseudorabies (Formerly §905)

A. The state veterinarian or his representative shall have the authority to conduct epidemiologic investigations and quarantine of:

1. swine herds in which one or more of the animals are found to be positive to pseudorabies, as determined by the epidemiologist, based on the interpretation of official tests;

2. the herd of origin of swine that have been added to a herd that becomes quarantined because of pseudorabies, if swine have been acquired from said herd of origin within the last 12 months;

3. herds which have received swine from herds found to have pseudorabies.

B. Herds of swine including feedlots, within a 1.5-mile radius of the quarantined herd, will be monitored in accordance with the recommendation of the state veterinarian and/or epidemiologist by either a test of all breeding swine or by an official random sample test.

C. A herd plan and epidemiology report must be completed within 30 days from the date an animal that originated from the herd was found to be a reactor at slaughter. A herd test must be completed within 45 days from the date an animal that originated from the herd was found to be a reactor at slaughter.

D. To be eligible for release from quarantine, a swine herd must meet the following requirements.

1. All swine positive to an official pseudorabies test must be tagged with an official reactor tag in the left ear and permitted on Form VS 1-27 to recognized slaughter establishment, rendering plant, or disposed of on the herd premises or other "approved" location by disposal means authorized by applicable state laws within 15 days. All swine, over 6 months of age and a random sampling of any growing/finishing swine which remain in the herd, must be tested negative 30 days or more after removal of reactors. No livestock on the premises shall have shown signs of pseudorabies after removal of reactors.

2. Whole Herd Depopulation. All swine on the premises must be tagged with an official reactor tag in the left ear and permitted on a Form VS 1-27 to a recognized slaughter establishment, rendering plant, or disposed of on the herd premises or other "approved" location by disposal

means authorized by applicable state laws. The premises must remain depopulated for 30 days and the herd premises must be cleaned and disinfected with an approved disinfectant prior to putting swine back on the premises.

E. A herd of swine quarantined because of *Brucellosis* must meet one of the following requirements.

1. All swine positive to an official *Brucellosis* test must be tagged with an official reactor tag in the left ear and permitted on Form VS 1-27 to a recognized slaughter establishment, rendering plant, or disposed of on the herd premises by disposal means authorized by applicable state laws within 15 days.

a. All swine over six months of age which remain in the herd, must be tested according to an approved herd plan.

b. A herd may be released from quarantine upon completion of three negative complete herd tests (CHT):

i. the first test must be completed at least 30 days after removal of the last reactor;

ii. a second CHT must be conducted 60-90 days following the first CHT;

iii. a third CHT is required 60-90 days following the second CHT;

iv. a fourth CHT is required six months after the third CHT.

2. Whole Herd Depopulation

a. All swine on the premises must be tagged with an official reactor tag in the left ear and permitted on a Form VS 1-27 to a recognized slaughter establishment, rendering plant, or disposed of on the herd premises or other "approved" location by disposal means authorized by applicable state laws.

b. The premises must remain depopulated for 30 days and the herd premises must be cleaned and disinfected with an approved disinfectant prior to putting swine back on the premises.

F. All movement from pseudorabies/*Brucellosis* quarantined herds, must be accompanied by a VS Form 1-27, permit for movement of restricted animals, listing the official, individual identification of each animal to be removed.

1. This form must be delivered to an authorized representative at destination.

2. These permits will be issued by a representative of the Livestock Sanitary Board.

G. All exposed swine moving from quarantined premises in interstate or intrastate commerce, must move directly to a recognized slaughter establishment or to an approved swine quarantined feedlot or rendering plant.

H. The use of pseudorabies vaccine is prohibited, except by permission of the state veterinarian.

I. All swine, 6 months of age or older, must be tested negative for pseudorabies and *Brucellosis* by an official test within 30 days prior to sale. Swine originating from a *Brucellosis* validated-pseudorabies qualified free herd or from a monitored feeder pig herd are exempt from this testing requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 16:392 (May 1990), amended LR 18:839 (August 1992), LR 20:1258 (November 1994), LR 23:1493 (November 1997), repromulgated

by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:969 (May 2014).

§1313. Operation of Livestock Auction Markets (Formerly §907)

A. All swine which are sold or offered for sale in livestock auction markets must meet the general requirements of §131 and the following specific pseudorabies/*Brucellosis* requirements.

1. All breeder and feeder swine moving to Louisiana auction markets from farms outside Louisiana must meet the requirements of §131.

2. All swine over six months of age, being sold at Louisiana livestock auction markets must be identified by an official swine back tag, placed on the animals' forehead and an official metal ear tag.

3. The market shall furnish the Livestock Sanitary Board's official representative a copy of each check-in slip, showing the name of the auction market, the date, the name and complete address of each consignor, and the official back tag numbers applied to the consignor's livestock. It shall be a violation of this regulation for anyone to consign livestock to a Louisiana livestock auction market and give a name and address that is not the name and address of the owner consigning the livestock to the auction market.

4. All swine six months of age or older arriving at a livestock auction market without an official negative test will have a blood sample drawn for testing Swine originating from a *Brucellosis* validated-pseudorabies qualified free herd or from a monitored feeder pig herd are exempt from this testing requirement. Testing for pseudorabies and *Brucellosis* at livestock auction markets may be suspended by the state veterinarian due to climatic conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:245 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 16:392 (May 1990), LR 18:839 (August 1992), LR 23:1494 (November 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:970 (May 2014).

§§1315-1319. Reserved.

Subchapter C. Quarantined Swine Feedlots

§1321. Quarantined Swine Feedlots (Formerly §909)

A. Permit Required. No person may operate a quarantined swine feedlot without first obtaining a permit from the Livestock Sanitary Board. Any person operating a feedlot without a valid permit will be in violation of this regulation and subject to prosecution.

B. Requirements for Operation of Quarantined Feedlots

1. All swine must be maintained at a safe distance and apart from all other neighboring swine of other producers.

2. Complete records must be maintained on all transactions showing dates, identification, origin and disposition of each animal. These records shall be made available to state-federal personnel upon request.

3. All swine movements from a quarantined feedlot must be directly to a slaughtering establishment operating under approved state or federal meat inspection.

C. Cancellation of Quarantined Feedlot Permit

1. A quarantined swine feedlot permit may be canceled upon written notice that the operation does not meet the requirements of this regulation, or the operator of such quarantined swine feedlot has violated the provisions of this regulation in any respect.

2. The board shall give written notice of the cancellation of a quarantined swine feedlot permit to the operator thereof.

3. Any operator of a quarantined swine feedlot whose permit is so canceled may appeal the cancellation thereof by written notice to the board within 10 days of receipt of the notice of cancellation. Any operator of a quarantined swine feedlot who appeals cancellation of his permit shall be entitled to a full hearing before the board, and the decision of the board at such hearing will be final unless the operator appeals to a court of competent jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:247 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:970 (May 2014).

Subchapter D. Slaughterhouse Requirements for

Identification, Sampling and Records

§1323. Identification of Swine with Official Backtags and the Collection of Blood Samples from Officially Backtagged Swine at Slaughter Establishments under State or Federal Meat Inspection (Formerly §911)

A. Official Backtagging of Swine

1. All swine over six months of age that are not officially tagged when received by a slaughter establishment, under state or federal meat inspection, shall be identified by an official backtag, properly placed. The name and address of the consignor, the name and address of the owner of the herd of origin, (if different from that of the consignor), shall be recorded, along with the official backtag numbers, on forms provided for this purpose. A copy of the completed form shall be retained by the slaughter establishment for their records; the original is to be furnished to the meat inspector to accompany blood samples to the state-federal livestock diagnostic laboratory.

2. The slaughter establishment shall be responsible for the identification of the animals and for maintaining required records.

B. Records. All records pertaining to the identification of the swine, the name and address of the owner of the herd of origin, (if different from that of the consignor), shall be maintained and made available to representatives of the Livestock Sanitary Board, upon request.

C. Blood Sample Collection. A blood sample shall be collected from all swine over six months of age. State and federal meat inspection personnel shall be responsible for the collection of the blood samples; the identification of the samples, the packaging and mailing of the blood samples, corresponding backtags, and forms, to the state-federal livestock diagnostic laboratory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 16:392

(May 1990), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:970 (May 2014).

Chapter 15. Sheep and Goats
(Formerly Chapter 11 and 13)

Subchapter A. Sheep

§1501. Reserved.

§1503. Identification of Sheep
(Formerly §1105)

A. All sheep changing ownership shall be individually identified by means of an official identification for *scrapie* as defined in §101.

B. The following sheep shall be individually identified with official identification for scrapie:

1. live scrapie positive sheep;
2. suspect scrapie positive sheep;
3. all sheep considered as high risk for developing scrapie, as defined by USDA;
4. all sheep exposed to scrapie.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and 2095.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:1971 (August 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:971 (May 2014).

§§1505-1509. Reserved.

Subchapter B. Goats

§1511. Reserved.

§1513. Identification of Goats
(Formerly §1303)

A. The following goats shall be individually identified by means of an official identification for scrapie and defined in §101:

1. live scrapie positive goats;
2. suspect scrapie positive goats;
3. all goats considered as high risk for developing scrapie, as defined by USDA;
4. all goats exposed to scrapie.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and 2095.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:1971 (August 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:971 (May 2014).

Chapter 17. Alternative Livestock—White-tailed Deer and other Captive Cervids
(Formerly Chapter 15)

§1701. Statement of Authority and Purpose
(Formerly §1501)

A. The commissioner of agriculture and forestry heads and directs the Department of Agriculture and Forestry and exercises all functions of the state relating to the promotion, protection and advancement of agriculture and forestry. The commissioner is authorized by law and does hereby adopt these rules and regulations for the purposes of promoting, protecting and advancing agriculture and to implement the laws adopted by the legislature, including those in part I of chapter 19-A of title 3 of the *Revised Statutes*, giving the commissioner the specific power to regulate farm-raised exotic animals, including imported exotic deer and imported exotic antelope, elk and farm-raised white-tailed deer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1671 (September 1998), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:971 (May 2014).

§1703. Reserved.

§1705. Definitions
(Formerly §1503)

A. For purposes of these rules and regulations the following words and phrases shall have the meaning given herein.

Alternative Livestock—any imported exotic deer and imported exotic antelope, elk and farm-raised white-tailed deer.

Canned Hunt—harvesting farm-raised alternative livestock in a manner that is similar to but substantially inconsistent with those methods and techniques generally employed in the sport known as hunting and where those inconsistencies result in the taking of the farm raised alternative livestock being a certainty.

Chronic Wasting Disease (CWD)—a contagious neurological disease affecting deer, elk and moose which causes a characteristic spongy degeneration of the brain of infected animals resulting in emaciation, abnormal behavior, loss of bodily functions and death.

Commercial Purpose—the keeping, breeding, raising, containing, harvesting, killing, slaughtering, buying, selling, trading, or transferring ownership of alternative livestock, any alternative livestock carcass or part thereof, with the intent to receive money, goods, services, livestock or any other type of compensation in connection therewith.

Commissioner—the commissioner of agriculture and forestry.

Department—the Louisiana Department of Agriculture and Forestry.

Elk—any animal of the species and genus *cervus canadensis*.

Farm—any area of land or water, regardless of size, used to breed, raise or keep farm-raised alternative livestock for a commercial purpose, including but not limited to breeding *farms* or propagating preserves. This definition does not include areas of land or water which are part of a zoo, game park or wildlife exhibit where the primary purpose is the exhibition of alternative livestock or other animals.

Farm-Raised—any alternative livestock born, raised, or kept within a closed circumscribed fenced area for a commercial purpose. This definition does not include alternative livestock which are part of a zoo, game park or wildlife exhibit where the primary purpose is the exhibition of the alternative livestock or other animals.

Farm-Raised White-Tailed Deer—any animal of species and genus *Odocoileus virginianus* which is bred, born, raised and/or kept within a closed circumscribed fenced area for the purpose of buying, selling, or trading in commerce. *Farm-raised white-tailed deer* does not include any white-tailed deer which is part of any zoo, game park, or wildlife exhibit where the primary purpose of the same is the exhibition of white-tailed deer and/or other animals.

Harvesting—the attempt or act of shooting, wounding or killing farm-raised alternative livestock within the enclosure system of a farm in a manner consistent with those techniques commonly referred to as hunting in title 56 of the *Louisiana Revised Statutes*.

Imported Exotic Antelope—any animal of the family *Bovidae* which are not indigenous to North America, except animals of the tribes *Bovine* (cattle) and *Caprine* (sheep and goats).

Imported Exotic Deer—any animal of the family *Cervidae* which are not indigenous to North America, including but not limited to red deer, Seika deer and fallow deer.

LDWF—the Louisiana Department of Wildlife and Fisheries.

Person—any individual, corporation, partnership or other legal entity.

Quarantine—the requirement, resulting from an order of the department or the state veterinarian's office, to secure and physically isolate an animal or animals in a specified confined area to prevent the spread of contagious disease.

White-Tailed Deer—any animal of the species and genus *odociolus virginianus*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1671 (September 1998), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 38:961 (April 2012), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:971 (May 2014).

§1707. Issuance of Farm-Raising License; Renewals (Formerly §1505)

A. Any person who keeps, breeds, raises, contains, harvests, kills, slaughters, buys, sells, trades, or transfers ownership of any type of farm-raised alternative livestock for commercial purposes shall obtain a farm-raising license, from the department prior to engaging in such activity.

B. The department shall not issue any farm-raising license until the application for the farm-raising license and the information requested, including the required plan for the operation of the farm, is approved by the department and the proposed farm passes the department's and LDWF's inspection.

C. Any changes in any information submitted in the original application, occurring during or after the application process, shall be submitted in writing to the department. The department and LDWF must approve, in writing, any change or modification, which shall be in writing, in the written farm operation plan submitted with the original application before such change or modification, may go into effect.

D. A farm-raising license shall be valid for the period beginning with the date of issuance and ending the following June 30 or from July 1 of the year of renewal through the following June 30.

E. A farm-raising license may be renewed each year by the department. A licensee shall submit a written request for renewal, the renewal fee, any proposed modification, which shall be in writing, of the written farm operation plan previously submitted to and approved by the department and any proof requested by the department of compliance by the

licensee with part I of chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department and any quarantine. If either the written request for renewal or the renewal fee is received by the department after July 31, the farm-raising license shall be deemed expired, *ipso facto*, retroactive to June 30.

F. In the event that the department determines that a farm does not meet the requirements of or was not complying with part I of chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department and any quarantine the farm-raising license may not be renewed by the department.

G. The licensee may contest the department's decision not to renew a farm-raising license by filing a written request for an adjudicatory hearing with the department within 15 days from receipt of the notice of nonrenewal. Such a hearing is to be held in accordance with the provisions of the Administrative Procedure Act. Any such hearing shall be held within 30 days of the request, unless continued for good cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1672 (September 1998), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:972 (May 2014).

§1709. Fees

(Formerly §1507)

A. Farm-Raising License Fees

1. The fee for a new farm-raising license shall be \$250.

2. The farm-raising license renewal fee shall be \$250.

B. Harvesting Permit Fee

1. Each individual intending to harvest or kill any farm-raised alternative livestock at any farm licensed by the department shall obtain a harvesting permit from the department or LDWF, before harvesting or killing any farm-raised alternative livestock, except as provided by §1709.B.3.

2. The fee due to the department for each harvesting permit shall be \$50 which fee shall be collected by the department or ministerially collected for the department by LDWF. Upon collection by LDWF, LDWF shall promptly remit the fee to the department retaining one-half for administrative costs.

3. No licensee or those persons employed by or assisting such licensee harvesting farm-raised alternative livestock to be taken directly to a state or federally approved slaughter facility or capturing farm-raised alternative livestock to be sold or traded for breeding or stocking purposes shall be required to obtain a harvesting permit or pay a fee.

C. Farm-Raised Alternative Livestock Tag Fee

1. Each farm-raised alternative livestock harvested or killed shall have a farm-raised tag attached to the left ear or left antler of the carcass at the time of kill and the tag shall remain with the carcass at all times, except as provided in §1709.C.3.

2. The farm-raised alternative livestock tag shall be provided by the department at a cost of \$5 per tag.

3. No farm-raised tag shall be required for farm-raised alternative livestock which are to be taken directly to a state or federally approved slaughter facility or which are sold or traded alive for breeding or stocking purposes.

4. No harvesting shall occur and no harvesting permit shall be issued if the area of the relevant farm within the enclosure system is less than 300 acres or more 2,500 acres in size unless good cause is shown by the applicant to the commissioner why the issuance of a harvesting permit for an enclosure of a different size is not inconsistent with the intent of part I of chapter 19-A of title 3 of the *Revised Statutes*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101 and R.S. 3:3107.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1672 (September 1998), LR 39:3060 (November 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:972 (May 2014).

§1711. Farm-Raising Licensing Requirements (Formerly §1509)

A. Written Application. Each applicant for a farm-raising license shall submit a completed written application on a form supplied by the department. In addition to any other information that may be requested by the department the applicant shall provide the following information:

1. name, physical address, mailing address and telephone number of the applicant and whether the applicant will own or lease the land. If the land is leased then a copy of the lease shall be provided to the department;

2. the name under which the business will operate, the physical address, mailing address and telephone number of the business, if different than the information provided in §1711.A.1;

3. the business structure, (sole proprietorship, partnership, corporation, limited liability company, joint venture, or otherwise);

4. the name of the person or persons in charge, position (e.g., owner, manager, etc.), residence address and phone number;

5. the physical location and size of the farm;

6. a topographical map of the farm if 50 acres or more;

7. the species of alternative livestock to be farm-raised;

8. the approximate number of animals to be farm-raised;

9. the complete plan for the operation of the farm including:

a. an enclosure system, including fencing the farm, indicating the location, size, nature and extent of the fencing material and of any right of way related to the farm property;

b. systematic inspection of the enclosure system, including the fence, maintenance, repair and replacement of the fence, keeping the fence and any clearance along either side of the fence clear and verification to the department of compliance with this provision;

c. the capture of any farm-raised alternative livestock that may escape from or wild white-tailed deer that

may enter the farm through a breach or opening in the enclosure system or fence;

d. removal of white-tailed deer from the farm prior to completion of the enclosure of the farm;

e. controlling farm-raised alternative livestock population;

f. identification by means of an electronic implant of all white-tail deer born, bought, sold, traded or which otherwise become farm-raised white-tailed deer, which shall include the systematic capture of farm-raised white-tailed deer for implantation purposes;

g. the removal and disposal of all alternative livestock in the event that the farm ceases operation for any reason or upon revocation or nonrenewal of the farm-raising license, including a provision for written notice to the department prior to cessation of farming operation;

h. the type of farming operation records that will be kept;

10. a statement that the applicant shall abide by the requirements of part I of chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department and any quarantine;

11. a certified statement that all representations contained in the application, the farm operation plan and attachments are true and correct.

B. Farm Inspection. An applicant shall have the proposed farm physically inspected and approved by the department and LDWF before a farm-raising license may be issued by the department. To obtain department approval a proposed farm shall:

1. be located in a rural area of the state;

2. be securely enclosed by an enclosure system, including fencing, that meets the following specifications:

a. a minimum height, above the relevant ground, of 8 feet;

b. enclose an area of not less than 300 acres nor more than 2,500 acres to be eligible for harvesting as provided by §1709.B of these rules and regulations. Applicants seeking eligibility to harvest on farms with enclosures of less than 300 acres or more than 2,500 acres must demonstrate good cause why an enclosure of a different size is not inconsistent with the intent of part I of chapter 19-A of title 3 of the *Revised Statutes*;

c. a minimum gauge wire of 12 1/2;

d. fencing material of chain link, woven wire, solid panel or welded panel or, if made with any other material, approved in writing by the department, however, welded wire fences shall not be used unless it was approved by LDWF and installed prior to April 22, 1997, but, such welded wire fences, when replaced or partially replaced, shall be replaced by fencing required by these rules and regulations;

3. have drainage sufficient to leave a majority of the farm free from extended periods of standing water;

4. have adequate space and if the total enclosed area of the farm is less than 50 acres, allow at least 5,000 square feet for the first elk or farm-raised white-tailed deer placed on the farm and at least 2,500 square feet for each subsequent elk or farm-raised white-tailed deer;

5. have no condition which may cause noncompliance with or substantial difficulty in complying with part I of

chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department and any quarantine;

6. not be subject to an objection for good cause related to wildlife made in writing to the department by LDWF, which written objection shall follow within 10 working days of a physical inspection of the proposed farm made concurrently and jointly by the department and LDWF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1673 (September 1998), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:973 (May 2014).

§1713. Grounds for Refusal to Issue or Renew a Farm-Raising License (Formerly §1511)

A. The commissioner may refuse to issue or renew a farm-raising license for any of the following circumstances:

1. the applicant cannot demonstrate to the satisfaction of the commissioner a competency to operate an alternative livestock farm;

2. the applicant has failed to provide all of the information required in or with the farm-raising license or renewal application, or has provided false information to the department;

3. the applicant has previously refused to permit the department to inspect the farm or to inspect farm records or the applicant has otherwise failed to comply with part I of chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department and any quarantine;

4. the department does not approve the farm operation plan;

5. the proposed farm does not pass the department's or LDWF's inspection;

6. the applicant has previously been found in violation of either part I of chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department or any quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1673 (September 1998), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:974 (May 2014).

§1715. Obligations of the Farm-Raising Licensee (Formerly §1513)

A. Identification of Farm-Raised Alternative Livestock

1. All farm-raised white-tailed deer shall be identified by means of an electronic implant implanted as follows:

a. the electronic implant shall be implanted into the subcutaneous tissue at the base of the left ear or in either shoulder;

b. all farm-raised white-tailed deer being brought into Louisiana shall have the electronic implant implanted before entering this state and prior to being released on the farm;

c. farm-raised white-tailed deer born in this state shall have an electronic implant implanted the first time the farm raised white-tailed deer is captured alive and before the farm-raised white-tailed deer leaves the farm;

d. all white-tailed deer shall be electronically implanted at the base of the left ear immediately upon harvest whether or not such deer have already been implanted previously. This requirement for electronic implantation is in addition to any and all other requirements for electronic implantation contained in these regulations. This electronic implantation shall remain with the carcass at all times;

e. each electronic implant code shall be listed on the farm-raised white-tailed deer's health certificate and on the bill of sale or certificate of transfer.

2. All farm-raised alternative livestock other than farm-raised white-tailed deer shall be permanently and individually identified as follows:

a. by means of an electronic implant or by a permanent ear tattoo and ear tag;

b. the electronic implant shall be implanted into the subcutaneous tissue at the base of the left ear or in either shoulder;

c. prior to entering the state, alternative livestock, other than farm-raised white-tailed deer, shall be identified as required herein;

d. alternative livestock born in this state, other than farm-raised white-tailed deer, shall be identified as required herein, the first time any such animal is captured alive and before any such animal leaves the farm;

e. the identification number or electronic implant code, and the location thereof, shall be listed on the health certificate and the bill of sale or certificate of transfer.

3. Farm-raised alternative livestock, other than farm-raised white-tailed deer, that will be transported directly to a state or federally approved slaughter facility are exempt from this identification requirement.

4. Farm-raised alternative livestock placed on a farm prior to the effective date of these regulations, other than farm-raised white-tailed deer, are not required to be identified by a permanent ear tattoo and ear tag or electronic implant unless removed alive from the farm.

B. Record Keeping

1. Each licensee shall maintain records, for not less than 36 months, of all sales, deaths, kills, trades, purchases, or transfers of any farm-raised alternative livestock. The records shall include:

a. total number of farm-raised alternative livestock, carcasses, or parts thereof, killed, sold, traded, purchased or transported;

b. name and address of the person to whom each farm-raised alternative livestock, or any carcass, or parts thereof, was sold, traded, delivered, presented or transported;

c. the electronic implant code or identification number of the farm-raised alternative livestock;

d. copies of any health certificates issued;

e. accurate records showing all inspections, maintenance, repairs and replacement to the enclosure system, including the fence and such records shall include the dates and times of each, names of the persons performing services, the location of any breaches of the enclosure

system, including the fence and nature and location of any repairs or replacements made to the fence;

f. records customarily kept in the normal course of conducting business and those records required by these rules and regulations.

2. Sellers, traders or transferors of farm-raised alternative livestock, any carcass, or any part thereof, shall furnish the purchaser or transferee with a bill of sale or letter of transfer as verification of the farm-raised status.

3. The furnishing of any false information shall be a violation of these rules and regulations.

C. Enclosure System and Fence Inspection and Maintenance

1. Any licensee shall conduct or shall have conducted a visual ground inspection of the enclosure system, including the fence, along the entire perimeter of the fenced area of the farm not less than weekly. An inspection shall be conducted immediately after any major storm or occurrence of any other force of nature that would cause a reasonable person to be concerned about the integrity of the enclosure system, including the fence.

2. Any licensee shall maintain the enclosure system, including the fence in good repair at all times. Good repair means that farm-raised alternative livestock are not able to leave and wild white-tailed deer are not able to enter through the enclosure system, including the fence, or otherwise.

3. Any licensee who discovers a breach or opening in the enclosure system or fence that would allow farm-raised alternative livestock to leave from or wild white-tailed deer to enter into the enclosed area shall notify, orally and in writing, the department and LDWF of the breach or opening and the department shall notify LDWF within 12 hours.

4. In the event of such a breach or opening the licensee shall immediately close the breach or opening and make all reasonable efforts to determine if farm-raised alternative livestock left from or wild white-tailed deer entered into the area enclosed by the fence.

D. Other Obligations of the Farm Licensee

1. A licensee shall remove white-tailed deer from the farm prior to completion of the fencing and enclosure system of the farm. Removal of the white-tailed deer shall be accomplished to the satisfaction of the department and LDWF pursuant to these regulations.

2. A licensee shall control the population of farm-raised alternative livestock on the farm.

3. A licensee shall make all efforts that a reasonable licensee would make to capture any farm-raised alternative livestock that escapes from the fenced area of the farm and to remove wild white-tailed deer that enters the fenced area of the farm.

4. A licensee shall, in writing, notify the department, at least 10 days prior to placing any alternative livestock on the farm if such alternative livestock was not listed on the original application or on any modification previously approved, in writing, by the department. The department shall promptly notify LDWF following receipt of licensee's notice.

5. A licensee upon cessation of operations, or upon revocation or nonrenewal of the farm-raising license shall remove and dispose of all farm-raised alternative livestock on the farm in accordance with the farm operation plan submitted to and approved by the department or in

accordance with specific written instructions issued by the department in the event that circumstances warrant removal and disposal of the farm-raised alternative livestock to be made in a manner different from the farm operation plan.

6. A licensee shall be responsible for ensuring that any individual who harvests or kills any farm-raised alternative livestock on the licensee's farm does so in accordance with these rules and regulations.

7. A licensee shall harvest or kill farm-raised alternative livestock in accordance with these rules and regulations.

8. A licensee shall provide that all farm-raised alternative livestock have the necessary health certificates and that the farm-raised alternative livestock meet all applicable health requirements.

9. A licensee shall allow authorized representatives of the department and authorized representatives of LDWF to inspect the farm at any time and all books and records at any reasonable time.

10. A licensee shall comply with all provisions of part I of chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department and any quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1674 (September 1998), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:974 (May 2014).

§1717. Health Certificates and Health Requirements (Formerly §1515)

A. Prior to entering Louisiana, all alternative livestock, except those being transported directly to a state or federally approved slaughter facility, shall:

1. meet the general health requirements promulgated in §501 of this Part

2. have an entry permit number issued by the state veterinarian's office no more than 15 days before entry into Louisiana which entry number shall be included on the certificate of veterinary inspection;

3. have written proof of a negative test for *Brucellosis* in accordance with the *Brucellosis Eradication in Cervidae Uniform Methods and Rules* as and when published by the United States Department of Agriculture, Animal and Plant Health Inspection Service. Until such time as the *Brucellosis Eradication in Cervidae Uniform Methods and Rules* are published, all alternative livestock six months of age and older entering Louisiana, except those being transported directly to a state or federally approved slaughter facility, shall be tested negative for *Brucellosis* within 30 days prior to entry into Louisiana, and written proof thereof shall be provided, unless the alternative livestock originate from a herd which has been officially declared a certified *Brucellosis* free herd by the state of origin;

4. have written proof of a negative tuberculin skin test or a serological test for tuberculosis that meets the following requirements;

a. the tuberculin skin test or serological test for tuberculosis is one of the official tuberculosis tests approved by the U.S. Department of Agriculture for use on the species

of alternative livestock for which permission to enter the state is being sought;

b. the test was administered and read in accordance with the USDA requirements for the administering and reading of that test;

5. prior to any person importing any alternative livestock into Louisiana, LDWF shall be provided by the department a copy of the entry permits or other applicable documents which describe the alternative livestock by species, sex, age and place of origin.

B. Any alternative livestock which has been exposed to *Brucellosis* or tuberculosis shall be quarantined and tested for the diseases to which it has been exposed within 60 days of the date of the quarantine. The quarantine shall remain in effect until removed, in writing, by the State Veterinary Office.

C. Elk, black-tailed deer, mule deer, red deer, white-tailed deer, and any imported exotic deer as defined in LAC 7:XXI.1705 (collectively referred to in this Section as "deer") shall not be admitted or readmitted (collectively referred to as "admitted") into this state without specific written authorization from the commissioner or his designee.

1. Deer being transported through this state in interstate commerce shall be exempt from the provisions of this Section if there are no scheduled stops for offloading the deer or if such stops would reasonably place the deer in contact with other deer or cattle.

a. If deer being transported through this state in interstate commerce must be offloaded due to a mechanical breakdown or an emergency situation then the state veterinarian shall be immediately notified of the situation.

b. No deer shall be offloaded without authorization from the state veterinarian to offload the deer.

c. The deer shall be offloaded, confined, and quarantined in strict compliance with the instructions provided by the state veterinarian and shall be kept confined, quarantined and re-loaded under the direct supervision of the state veterinarian's representative.

2. Deer within this state that are moved or transported out of this state, even temporarily, shall not be admitted back into this state without the specific written authorization of the commissioner or his designee.

D. A person must provide the state veterinarian the following documentation or information as to each animal in order to obtain the authorization necessary for admission of the deer into this state.

1. A request stating the number and type of deer to be admitted, the origin of the deer, the destination of the deer, any stops made or anticipated to be made between the origination point and the final destination where the deer will be offloaded or held in proximity to other deer, the name and address of the requestor, the name and address of the owner of the deer and the reason for the admission of the deer.

2. A certificate of veterinary inspection issued within the preceding 30 days by an accredited veterinarian on the deer listed in the written request which includes a permit number obtained from the department's office of animal health services.

3. A statement by the owner of the deer that he will reimburse all costs incurred by the commissioner or the department for feeding, sheltering, caring, and disposing or

destroying of any deer seized and quarantined by the department for violation of any conditions, quarantines, or restrictions placed on deer admitted to the state.

4. Written and signed certification, whether signed jointly or separately, by both the owner of the deer and the inspecting veterinarian of the following information:

a. the distance to the nearest confirmed case of CWD if the deer are to be admitted from any state that has reported a CWD case within the last five years;

b. whether the facility the deer are coming from is enclosed by a single fence or double fence;

c. that each deer:

i. is from a herd that has participated in a recognized CWD surveillance and monitoring program for at least 60 months;

ii. has been in the herd from which the deer is being moved for at least 60 months, or has been in the herd for its entire life if younger than 60 months of age, or was placed in the herd from a herd that had participated in a recognized CWD surveillance and monitoring program for at least 60 months prior to the removal of the deer from the second herd and placement in the first herd;

iii. comes from a herd that is not within 25 miles of a confirmed case of CWD occurring within the previous 60 months if the facility that the deer is coming from is a single fenced facility; or

iv. comes from a herd that is not within five miles of a confirmed case of CWD occurring within the previous 60 months if the facility that the deer is coming from is a double fenced facility.

5. Documentation that shows that each deer meets the health requirements set out in LAC 7:XXI.501 and 7:XXI.1717.

E. The commissioner or his designee shall have the discretion to refuse to authorize the admission of deer into this state, even if all the criteria set out in Subsection D have been met, if in his informed opinion based on advice and recommendations from accredited veterinarians on staff with the department or employed by the federal government or from reliable veterinarian research or other credible information, he believes that admission of the deer may jeopardized the health of the deer population in this state or run the risk of bring CWD into the state.

F. The commissioner or his designee may, at his discretion, impose conditions, quarantines, and restrictions on the admission of any deer into this state if he believes that such conditions, quarantines, and restrictions are necessary to protect the health of this state's deer population or to control the risk of bringing CWD into the state.

1. Deer admitted into the state subject to any condition, quarantine or restriction may be seized by the department and placed in quarantine on order of the commissioner, at the owner's expense, for any violation of any condition, quarantine or restriction.

2. The commissioner, on behalf of the board, may take any legal action necessary to obtain a court order to dispose of or destroy any such deer seized by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1675 (September 1998), amended by the Department of Agriculture and Forestry, Board of

Animal Health, LR 38:961 (April 2012), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 39:3247 (December 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:975 (May 2014).

§1719. Harvesting or Killing of Farm-Raised Alternative Livestock (Formerly §1517)

A. Farm-raised white-tailed deer shall be harvested by killing only from one-half hour before sunrise to one-half hour after sunset during the period of October 1 through January 31 of the following year, as established by the Louisiana Wildlife and Fisheries Commission. Licensees may also harvest at will at any other time from one-half hour before sunrise to one-half hour after sunset upon 48 hours notice to and written approval of the department. Upon receipt of any such notice the department shall, no later than 24 hours before the harvest, notify LDWF.

B. Except for farm-raised white-tailed deer, farm-raised alternative livestock may be harvested or killed at any time from one-half hour before sunrise to one-half hour after sunset unless the commissioner provides otherwise in accordance with the provisions of §1719.C.

C. The commissioner and Louisiana Wildlife and Fisheries Commission may establish, by written order, other dates and conditions for the harvesting or killing of farm-raised alternative livestock as the commissioner deems necessary to carry out the purposes of part I of chapter 19-A of title 3 of the *Revised Statutes*. Such orders shall be issued by the commissioner in January of each year or as soon thereafter as is practical and published in the January issue of the *Louisiana Register* or in the first available issue after any such order is issued.

D. Prior to harvesting or killing farm-raised alternative livestock, any person, except as provided by §1709.B.3 of these regulations, shall first apply for and obtain a harvesting permit to do so from the department or LDWF by submitting an application on a form supplied by the department.

1. Any harvesting permit issued by the department or LDWF shall be valid only for the time periods stated on the face of the permit.

2. The department may issue or LDWF may ministerially issue a harvesting permit upon written application by any individual or by any farm licensee making application on behalf of the individual and upon receipt of the harvesting permit fee.

3. The applicant shall not be subject to any existing court or administrative order denying the applicants right to harvest.

E. Except as provided by §1709.C.3 of these regulations, any farm-raised alternative livestock harvested or killed, shall have a farm-raised tag attached to the left ear or left antler of the carcass at the time of the kill and the tag shall remain with the carcass at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1675 (September 1998), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:977 (May 2014).

§1721. Prohibitions (Formerly §1519)

A. No farm-raised alternative livestock shall be released into the wild without express written permission from both the department and LDWF.

B. Farm-raised white-tailed deer meat or farm-raised white-tailed deer parts of any kind shall not be bought, sold, traded, or moved in commerce in any way.

C. Farm-raised alternative livestock sold for slaughter, except farm-raised white-tailed deer, the sale of which is prohibited, shall be handled in accordance with state and federal meat inspection laws and regulations.

D. It is a violation of these regulations to sell, purchase, trade, transport, or otherwise transfer any farm-raised alternative livestock for any purpose other than immediate slaughter at a state or federally approved slaughter facility if such farm-raised alternative livestock originates from a herd which is under quarantine for *Brucellosis* or tuberculosis.

E. Canned hunts of farm-raised alternative livestock are prohibited.

F. Failure to comply with any provision of part I of chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department and any quarantine is prohibited and each act or omission or each day of a continuing violation shall constitute a separate violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1676 (September 1998), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:977 (May 2014).

§1723. Enforcement (Formerly §1521)

A. The department's and LDWF's authorized representatives may, at any time, enter and inspect all farms on which farm-raised alternative livestock are located for the purposes of issuing, renewing or reviewing farm-raising licenses and to insure compliance with part I of chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department and any quarantine.

B. Authorized representatives of the department and LDWF may inspect, during any reasonable hours, any records regarding or relating to any farm-raised alternative livestock.

C. Farm-raised alternative livestock which escapes from the enclosure system of the farm, if not captured by a licensee within 96 hours of the escape, may be captured by authorized representatives of the department or by any law enforcement agency by whatever means deemed necessary by that agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1676 (September 1998), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:977 (May 2014).

§1725. Penalties

(Formerly §1523)

A. The commissioner may suspend or revoke the farm-raising license of any licensee and the harvesting permit issued to any person found guilty of violating part I of chapter 19-A of title 3 of the *Revised Statutes*, those portions of title 56 of the *Revised Statutes* related to wildlife, these rules and regulations, the written farm operation plan submitted to and approved by the department and any quarantine.

B. The commissioner may, in addition to suspending or revoking any farm-raising license or harvesting permit, impose upon any person charged with violating any provisions of part I of chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department and any quarantine, a fine for up to \$100 per violation for each violation such person is found guilty.

C. These civil penalties may be assessed only by a ruling of the commissioner based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

D. Any person or licensee subject to an order or decision made pursuant to these regulations may request and receive an adjudicatory hearing before the department to be held in accordance with the Administrative Procedure Act by making written application for same to the department within 15 days of issuance of such order or decision.

E. The commissioner may seek a restraining order, injunctive relief or other relief in a proper court of law to restrain violations of or to compel compliance with part I of chapter 19-A of title 3 of the *Revised Statutes*, these rules and regulations, the written farm operation plan submitted to and approved by the department or any quarantine or to enforce any order or ruling made by him in an adjudicatory proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1676 (September 1998), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:978 (May 2014).

Chapter 19. Turtles

(Formerly Chapter 23)

§1901. Definitions

(Formerly §2301)

A. In addition to the definitions listed below, the definitions in R.S. 3:2358.3 shall apply to these regulations.

Agent—an authorized representative of the Department of Agriculture and Forestry.

Antibiotic—any bactericide or other organic substance which can kill bacteria such as *Salmonella* and Arizona spp.

Approved Antibiotic—an antibiotic approved by the Department of Agriculture and Forestry for use in the egg immersion method.

Approved Antibiotic Solution—a dissolved antibiotic at a concentration approved by the Department of Agriculture and Forestry for use in the egg immersion method.

Bactericide—any organic or inorganic substance, chemical, or compound that has the capacity to kill microorganisms.

Baquacil/Vantacil—a chemical product classified as a polyhexamethyldme biguamide dissolved in water to give a concentration of 50 ppm or a concentration as approved by the department.

Certificate of Inspection—a document that is signed by a Louisiana licensed, accredited, and department approved veterinarian which verifies species, dates of laboratory testing, turtle lot number and utilization of the Siebeling method.

Certified Turtle Farmer—a Louisiana individual, partnership, corporation or entity engaged in the collection, hatching, sale or distribution of turtles using the egg immersion method and which have been inspected by the Department of Agriculture and Forestry.

Chlorine Solution—a solution of chlorine at a concentration approved by the Department of Agriculture and Forestry.

Department—the Department of Agriculture and Forestry.

Department Issued Guidelines—a document provided periodically by the Department of Agriculture and Forestry setting forth detailed procedures designed to implement these regulations.

Dip Solution—an approved antibiotic solution as defined above.

Document—any form or document deemed necessary by the department for the operation of a Louisiana certified turtle farm.

Egg Immersion Method—a sanitization process derived from the Siebeling method developed by Dr. Ronald J. Siebeling and approved by the department whereby pet turtle eggs are cleaned, disinfected and treated with an approved antibiotic solution in order to render the hatchling free from *Salmonella* or other bacteria harmful to humans or other pet turtles.

Egg Washing Machine—a machine intended for the washing of turtle eggs, or modified from a machine intended for the washing of eggs of commercial poultry.

Exporter—a person who is licensed by the U.S. Fish and Wildlife Service to engage in the business of exporting groups of turtles or groups of turtle eggs.

Farmer-Exporter—a licensed pet turtle farmer that is also licensed by the U.S. Fish and Wildlife Service to engage in the business of exporting groups of turtles or groups of turtle eggs.

Garasol—an antibiotic (Gentamicin sulfate) dissolved in water to give a concentration of 1,000 ppm or a concentration as approved by the Department of Agriculture and Forestry.

Health Certificate—a document issued by a Louisiana licensed, accredited, and department approved veterinarian to turtle farmers verifying a certificate of inspection, attaching a laboratory report and certifying that the veterinarian has inspected the turtles or eggs and that they are free of visible signs of infectious, contagious or communicable disease. The *health certificate* and/or certificate of inspection shall be required before eggs or turtles are shipped or transported and before they are moved from a certified turtle farm into intrastate or interstate commerce.

Laboratory—a certified *laboratory* as defined in R.S. 3:2358.3 and which employs at least one microbiologist.

Licensed Pet Turtle Farmer—a Louisiana individual, partnership, corporation or entity engaged in the collection, hatching, sale or distribution of turtles or turtle eggs using the egg immersion method and who has been licensed by the Department of Agriculture and Forestry.

Pet Turtles—turtles with a carapace length of less than 4 inches that originates from a Louisiana pet turtle farm operated by a licensed pet turtle farmer.

Pet Turtle Farm—any area of land or water used to breed, raise or keep pet turtles.

Quarantined Area—any designated area or premises where pet turtle eggs or hatchlings are stored, processed or hatched which has been designated as quarantined by a Louisiana-licensed, accredited and department-approved veterinarian due to a finding of contamination in a group or lot by *Salmonella*, *Arizona* or other bacteria harmful to other turtles or humans.

Siebeling Method—a process by which turtle eggs are cleaned, their surfaces disinfected and a bactericide forced through the pores of the shells without violating and natural, structural integrity of the shell, thereby rendering the hatching *Salmonella* and *Arizona* free.

Turtle Group—any amount (multiple or single units) consisting of less than 40,000 turtles or turtle eggs.

Turtle Lot—any amount of pet turtles or eggs up to 20,000 in number, and may be used interchangeably with the term turtle group.

Turtles—any animals commonly known as turtles, tortoises, terrapins and all other animals of the order *Testudinata*, class *Reptilia* except marine species (families *Dermochelidae* and *Cheloniidae*).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 12:224 (April 1986), amended by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:350 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1567 (August 2000), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:2210 (September 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:978 (May 2014).

§1903. Facilities

(Formerly §2302)

A. Effective January 1, 2001, all applicants for initial licensure as licensed pet turtle farmers shall be required to meet, prior to licensure, all standards of construction and operations established by these rules and regulations.

B. All licensed pet turtle farmers that are licensed prior to January 1, 2001, shall be required to meet all standards of construction and operation established by these rules and regulations no later than January 1, 2002.

C. Each facility operated by a licensed pet turtle farmer shall be of sufficient size to contain no less than the following: turtle pond(s), turtle laying area, egg washing area, egg treatment area, hatching area, holding or post-hatching area, and inventory storage area.

D. Each facility shall possess hot and cold water, hand washing facilities, cooling and ventilation capability, be free of rodents and pests, be properly disinfected, utilize stainless

steel or non-porous tables, buckets and baskets and have access to restroom facilities.

E. The physical structure shall consist of a free-standing building that is used only for the washing, treating, hatching, incubating, raising, shipping or holding of turtles or turtle eggs. Such building shall be separate and apart from the pond area and the egg laying area. No business activity other than the activities associated with the raising, treating, hatching, storing and marketing of turtles or turtle eggs shall be conducted within the confines of the building designated for turtle raising, treating, hatching, storing and marketing.

F. All floors in the washing or treating areas shall consist of concrete or non-porous covering with drainage sufficient to prevent the accumulation of water. All surfaces in the washing or treating areas which come in contact with turtles or turtle eggs shall be non-porous.

G. All washing areas and treating areas shall be well lighted and ventilated.

H. The hatching area shall be an identifiable room in which the temperature can be maintained and controlled.

I. The holding or post-hatching area shall be large enough to accommodate all designated groups of turtles that have not been sold. Lighting, ventilation and cooling shall be such so as to insure humane treatment of the turtles.

J. The turtle production area (ponds and laying areas) shall be free of debris, trash and offensive odors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1567 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:979 (May 2014).

§1905. Monitoring of Turtle Farms for Safety and Sanitization

(Formerly §2303)

A. State-employed veterinarians shall inspect the premises of certified turtle farmers, including those areas involved in the washing, incubation and hatching of turtles, or other operations. At least one inspection shall be performed prior to the start of each egg laying season. Recommendations shall be made to farmers to ensure compliance with these regulations. At the time of inspection, state-employed veterinarians or their designees may randomly select eggs or turtles for submission to a laboratory for microbiological examination. The inspections shall be made to insure the following.

1. The egg immersion method of egg collection and sanitization is being conducted properly and is in accordance with procedures issued by the department.

2. All equipment used in the egg immersion method shall be clean and in working order.

3. Vacuum tanks used for the egg immersion method shall be airtight and constructed of smooth-finished material to facilitate decontamination.

4. The egg immersion method shall be performed in a designated building. Due care shall be applied to maintaining isolation of this area. Operators shall prevent spillage or transfer of the antibiotic solution used in the egg immersion method to any other area or the environment outside of the building designated for the egg immersion method.

5. Persons implementing the egg immersion method shall wash their hands in disinfectant and remove the garments recommended in department-issued guidelines prior to leaving the isolated area where the method is being performed.

B. State-employed veterinarians shall inspect the premises of turtle farmers to insure that no turtles which have been treated by the egg immersion method or any other method utilizing antibiotics shall be introduced into the environment.

C. State-employed veterinarians or their designees shall inspect the premises of turtle farmers to insure that no turtles or eggs which have been treated by the egg immersion method or any other method utilizing antibiotics are used to stock or restock the ponds of a certified turtle farmer or non-certified turtle farmers.

D. State-employed veterinarians or their designees shall inspect the premises of turtle farmers to insure that no turtles or eggs belonging to different groups are commingled without first receiving health certificates.

E. State-employed veterinarians or their designees shall inspect the premises of turtle farmers to insure that each turtle group is clearly identified and is not improperly commingled with saleable or hatchable eggs of other groups.

F. State-employed veterinarians or their designees shall inspect the records of certified turtle farmers to verify that all documentation required by the department shall be kept current.

G. Samples of water from ponds may be taken by state-employed veterinarians or their designees and shall be transmitted to a laboratory for chemical and microbiological analysis, including, but not limited to pH, antibiotic and pesticide contaminants, and potentially pathogenic bacteria.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.9.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 12:224 (April 1986), amended by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:350 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1568 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:979 (May 2014).

§1907. Collection of Egg and Turtle Samples (Formerly §2305)

A. In order to ensure a representative sample from the turtle group and to prevent cross-contamination the following procedures shall be followed.

1. Licensed turtle farmers shall inform the department in a timely manner of their intention to ship turtle hatchlings or eggs to arrange certification procedures.

2. Upon notification by the farmer, a department employed veterinarian shall inspect the group of turtles or turtle eggs bound for shipment for visible signs of infections, contagious or communicable diseases. The veterinarian or designee shall randomly select turtles or eggs for submission to a certified laboratory for microbiological examination unless the turtles to be shipped are food turtles in which case the random selection of turtles and submission to a certified laboratory may be omitted.

3. The department-employed veterinarian shall inspect the premises and turtle group or eggs and shall issue a

certificate of inspection subject to compliance with the requirements of these regulations. The certificate of inspection shall verify the species, number of turtles or eggs, destination, turtle group number and compliance with the egg immersion method.

4. All specimens shall be collected using approved methods to prevent contamination.

5. The transportation to a certified laboratory for microbiological examination and handling of the samples of turtles and eggs shall be performed in such a manner as to maintain identity and integrity.

6. Licensed turtle farmers shall have the option of:

a. collecting samples under the on-site supervision of the department-employed veterinarian or designee; or

b. allowing the department veterinarian or designee to collect the samples.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2, 3:2358.9, 3:2358.10 and 3:2358.12.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:351 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1568 (August 2000), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:2210 (September 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:980 (May 2014).

§1909. Movement of Turtle Eggs and Turtles (Formerly §2307)

A. The department shall regulate the movement of turtles or turtle eggs by licensed pet turtle farmers and procedures shall include, but not be limited to, shipment into local and international commerce, as well as shipment to certified laboratories.

1. All turtles or eggs leaving a licensed turtle farm bound for a certified laboratory shall be accompanied by a certificate of inspection. A health certificate from a Louisiana licensed veterinarian stating that the turtles and/or eggs originated from a Louisiana licensed pet turtle farm shall accompany all shipments into international commerce. Each health certificate shall identify the final destination of the turtles or eggs they accompany.

2. A health certificate or a laboratory report pursuant to a microbiological examination shall be required for any intrastate movement of pet turtles or pet turtle eggs except for submission to a Louisiana certified laboratory for microbiological examination.

3. Turtles shipped to certified laboratories for microbiological examination shall be accompanied by appropriate documentation.

4. No pet turtles or their eggs originating outside of Louisiana shall be sold, held for sale, or offered for any other type of commercial or public distribution in Louisiana.

5. No dead turtles or non-viable eggs shall be shipped, transported or distributed.

6. Turtles or turtle eggs shall be shipped, transported or distributed only in packaging approved by the department.

7. Turtles or eggs intended for international commerce shall be conspicuously marked "For Export Only" on the outside of the shipping package and shall be accompanied by a health certificate and a certified laboratory report.

8. Official health certificates and appropriate affidavits shall accompany movement of all pet turtles and

eggs shipped, transported or distributed for non-commercial purposes.

9. Pet turtle eggs that are offered for sale shall be washed and treated by the egg immersion method, possess a group designation number, be laboratory tested, and be declared *Salmonella*-free, unless prior approval for sale has been granted by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.10.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:351 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1569 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:980 (May 2014).

§1911. Identification of Groups of Turtles and Turtle Eggs **(Formerly §2309)**

A. All groups of turtles or turtle eggs produced by licensed pet turtle farmers in Louisiana shall be assigned an identification number in a department-approved manner.

B. No turtle group shall exceed 20,000 viable hatchlings or eggs.

C. All pet turtle eggs shall originate from department licensed pet turtle farmers. They shall be continuously identifiable and properly labeled.

D. All pet turtles, treated by the egg immersion method, on turtle farms operated by licensed pet turtle farmers, shall be placed in a designated lot and remain a component of the same lot until they are sold or destroyed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.7.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:351 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1569 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:981 (May 2014).

§1913. Microbiological Test Procedures **(Formerly §2311)**

A. Samples of turtles or turtle eggs shall be subjected to microbiological examination using approved procedures and techniques based upon procedures set forth in Official Methods of Analysis of the Association of Official Analytical Chemists.

B. Turtle groups identified as contaminated with bacteria of the genus *Salmonella* or Arizona or any other microorganisms pathogenic to humans, domestic animals or aquatic species shall be subject to the notification provisions of R.S. 3:2358.11 and this Part.

C. If any group of turtles or turtle eggs test positive for *Salmonella spp.*, then the licensed pet turtle farmer (owner) may request a retest. Samples of the retest must be submitted when requested by representatives of the department. The owner may request a retest of the group as a whole using the same sampling procedures as used for the original test or the owner may subdivide the affected positive group into a maximum of four equal subgroups. Each such subgroup shall be separately identified, simultaneously randomly sampled and tested. The Louisiana Veterinary Medical Diagnostic Laboratory shall conduct the retesting, whether from the group as a whole or from any of the subgroups in

accordance with normal protocol. The Louisiana Veterinary Medical Diagnostic Laboratory test results, whether from the group as a whole or from any of the subgroups shall be the final and conclusive test results. Any group or subgroup that tests positive for *Salmonella spp.* shall be disposed of in accordance with the law and these regulations.

D. All pet turtles that are on turtle farms operated by licensed turtle farmers shall originate from eggs that are produced on turtle farms operated by licensed pet turtle farmers and have been subjected to the egg immersion method of treatment. All turtles, other than those designated and shipped as food turtles, shall be randomly sampled and tested by a certified laboratory for *Salmonella*. The pond water in which food turtles are raised shall be tested at least once every year by a certified laboratory for *Vibria Cholera*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.10.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:351 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1570 (August 2000), LR 30:1445 (July 2004), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:2210 (September 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:981 (May 2014).

§1915. Issuance of Health Certificates **(Formerly §2313)**

A. Accredited Louisiana-licensed and department-approved veterinarians will issue official health certificates.

B. Health certificates shall not be issued on groups of turtles or eggs until the turtles or eggs and pond in which the turtles are raised have been inspected and tested as required by these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2, 3:2358.9 and 3:2358.10.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 17:352 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1570 (August 2000), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:2211 (September 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:981 (May 2014).

§1917. Quarantine **(Formerly §2315)**

A. In addition to the procedures set forth in R.S. 3:2358.11, upon the identification by laboratory examinations of *Salmonella* or any other species of bacteria harmful to humans or other pet turtles in a group of turtles or turtle eggs, the following procedures for quarantine shall apply.

1. Notification of the test results and quarantine shall be made in person or by telephone, followed by written notification as set forth in R.S. 3:2358.11, by agents of the department, including at least one department veterinarian.

2. The quarantine and its related restrictions shall remain in effect until the farmer is otherwise notified by the department.

3. Immediately upon receipt of the personal notification, the licensed pet turtle farmer producing the quarantined eggs shall identify to the agents of the department all turtles or eggs belonging to the same group as

the one which tested positive for the presence of *Salmonella* or other harmful bacteria.

4. Licensed pet turtle farmers wishing to submit a quarantined turtle group for a second laboratory microbiological examination must do so prior to the end of the 21-day period specified in R.S. 3:2358.12, and must follow the same procedure established for an initial collection and submission of samples. Failure to timely obtain a second examination shall result in the implementation of the disposal procedures set forth in R.S. 3:2358.12.

5. Quarantined eggs or turtles shall be subject to inventory and verification by agents of the department. Records, physical examination and photographs may be used to verify the inventory of quarantined eggs or turtles.

6. Quarantined turtles and eggs shall be sealed under supervision of agents of the department to prevent the spread of pathogenic bacteria until the licensed pet turtle farmer receives notice of either:

- a. the lifting of the quarantine; or
- b. instructions dealing with the disposal of the contaminated turtle or egg group.

7. All turtles and/or eggs belonging to a group which has either received a second notice of contamination with harmful bacteria or otherwise ordered disposed of by the department shall be disposed of in a humane manner approved by the department within 21 days of the receipt of the second notice.

8. Areas where quarantined turtles or eggs have been kept shall be disinfected in a manner approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2, 3:2358.11 and 3:2358.12.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:352 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1570 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:981 (May 2014).

§1919. Form and Content of Records (Formerly §2317)

A. In addition to those records required under R.S. 3:2358.7, licensed pet turtle farmers, exporters of pet turtles or eggs, certified laboratories and department-approved veterinarians shall be responsible for maintaining and submitting as requested proper records. Records shall include, but not be limited to, purchase and disposal of antibiotics, application of the egg immersion method, volume of eggs treated, laboratory reports and disposition of groups of eggs and turtles. These records must be current.

B. All turtles or turtle eggs that are offered for sale or sold by licensed pet turtle farmers-exporters shall be accompanied by a current chain of custody document, laboratory report and health certificate.

C. Each licensed pet turtle farmer, farmer-exporter or exporter shall be required to initiate and maintain accurate, current documentation on the origin and distribution of all groups of turtles or groups of turtle eggs.

D. The records shall be maintained in a manner that allows for an orderly inspection. The records shall include the following documents:

1. official certificate of inspection for pet turtles and eggs;
2. pet turtle group distribution document;
3. facility inspection reports (surveillance and monitoring);
4. health certificates;
5. laboratory reports;
6. U.S. Fish and Wildlife Service Form 3-177 (for exporters only);
7. turtle replenishing reports;
8. citations.

E. All documents are required to be maintained for a period of three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.7.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:352 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1570 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:982 (May 2014).

§1921. Turtle Farmers; Licensing (Formerly §2319)

A. In addition to the provisions below, the requirements for licensure set forth in R.S. 2358.5 shall apply.

1. Licenses for pet turtle farming shall be issued only by the Office of Animal Health Services of the Department of Agriculture and Forestry.

2. Upon issuance of an initial license by the department, licensed pet turtle farmers shall be assigned a permanent licensed farmer identification code for use on all documents related to pet turtle farming.

3. Prior to the issuance or renewal of a certified turtle farmer license, an inspection of the farm premises shall be made by an accredited, Louisiana-licensed and department-approved veterinarian to ensure that all equipment required for sanitization and other procedures is present and in working order.

4. A map or schematic showing the location of ponds or other breeding habitats, storage, treatment and incubation buildings and facilities shall be included with all applications for a pet turtle farmer license. Each pond or breeding habitat shall be designated by a letter, beginning with "A", and shall be designated in sequential order and properly labeled on the map or schematic.

5. Licenses for turtle farming shall be issued upon the satisfactory completion and acceptance by the department of the application form to be a licensed pet turtle farmer, accompanied by an application fee of \$250 by the person seeking such a license. The application form should specify the following, along with any other information required by the commissioner of agriculture and forestry:

- a. name of applicant;
- b. date of application;
- c. address of applicant;
- d. telephone number of applicant;
- e. whether the applicant is an individual, corporation, subchapter "S" corporation, cooperative or partnership;
- f. principal officers of the applicant, if any;

g. location of applicant's principal office and farming premises;

h. location of all offices operated by applicant, along with the name of the manager and phone number of each;

i. the dates upon which the applicant begins and ends its fiscal year;

j. the names, businesses and phone numbers of three persons who can provide references as to the character and business standing of the applicant; and

k. the following phrase, included at the bottom of the application, which must be read by the applicant and which must be signed and dated by the applicant signifying his assent thereto:

"The undersigned, having read Part X of Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950, Act 770 of 1990 and the rules and regulations written in conformity therewith, and agreeing to abide by and comply therewith, applies for a license to operate as a licensed pet turtle farmer under the provisions of the aforementioned acts of the Legislature, in furtherance whereof, the statements and answers of the above questions, are made and declared to be true under penalty of perjury."

6. In the case of the transfer of ownership of the person or entity that is the licensed pet turtle farmer that farmer must reapply with the department for licensing and must meet all of the qualifications required for the issuance of an initial license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.5.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:352 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1571 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:982 (May 2014).

§1923. Proper Disposal (Formerly §2321)

A. Because of the danger posed by the emergence of bacteria resistant to antibiotics used to kill *Salmonella* and other harmful bacteria, licensed pet turtle farmers who use Garosol to treat turtle eggs and/or turtles shall follow approved disposal procedures, including but not limited to, the following.

1. Eggs or turtles that have been found to contain *Salmonella*, *Arizona* or other harmful bacteria shall be disposed of in a humane manner approved by the department.

2. Chlorine or antibiotic solutions shall be disposed of in a manner approved by the department.

B. Dead or deformed turtles and also those turtles not sold within 12 months of certification shall be disposed of in a humane manner as approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2, 3:2358.9 and 3:2358.10.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 17:353 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1571 (August 2000), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:2211 (September 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:983 (May 2014).

§1925. Authority of Agents to Enter Premises (Formerly §2323)

A. Agents of the department are authorized and shall be allowed entry onto any property or premises in the state of Louisiana for the purpose of carrying out the provisions of these regulations. Whenever reasonably possible, agents shall notify the turtle farmer before performing any inspections.

B. Agents of the department are authorized to inspect all records and premises maintained by licensed pet turtle farmers in order to enforce the provisions of R.S. 3:2358.1 et seq., and these regulations.

C. No person shall in any way interfere with an agent in making inspections on properties or premises in carrying out the provisions of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.5.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:353 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1571 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:983 (May 2014).

§1927. Department Issued Guidelines (Formerly §2325)

A. Due to the unique nature and rapid development of this evolving program, the department finds it necessary to issue guidelines to delineate certain detailed procedures which require periodic updates. These guidelines will be made available upon request or application for licensure as a licensed pet turtle farmer. Prior to any changes in these guidelines, except for emergencies, interested persons will be given a reasonable amount of time for comment and appeal. Licensed pet turtle farmers will be sent copies of these proposed changes by United States mail.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:353 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1571 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:983 (May 2014).

§1929. Violations and Penalties (Formerly §2327)

A. For failure to implement the egg immersion method or Siebeling method of treatment in conducting of his business, the offender shall be fined no more than \$1,000 and shall be further enjoined from operation of such business, and no further sales shall be allowed, until this method is implemented. No fine shall be assessed for non-willful deviation from the application of the regulations and guidelines, but the licensed pet turtle farm shall be enjoined, and no further sales shall be allowed, until deficiencies are adequately corrected.

B. It shall be a violation of these regulations for anyone to engage in the falsification or misrepresentation of groups of turtles or groups of turtle eggs for sampling, testing or retesting.

C. It shall be a violation of these regulations for anyone to alter or falsify or to provide documents for alteration or falsification of groups of turtles or groups of turtle eggs.

D. Unless otherwise provided, it shall be a violation of these regulations for any person to sell, transmit or have transmitted groups of turtles or groups of turtle eggs to any other person except a licensed and bonded freight forwarder, exporter, or approved research institution.

E. Any person found guilty of violating any of the provisions of this Chapter or those of R.S. 3:2358.1 et seq., is subject to the penalties provided for by R.S. 3:2358.14, including fines of up to \$1,000 for each violation. Each day in which a violation occurs shall be considered a separate offense.

F. Prior to the assessment of any civil penalties, there shall be an adjudicatory hearing in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 12:225 (April 1986), amended by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:353 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1572 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:983 (May 2014).

§1931. Repeal of Prior Rules and Regulations (Formerly §2329)

A. All prior rules and regulations in this Chapter adopted and/or promulgated in accordance with R.S. 56:638 are hereby repealed in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:247 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:353 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1572 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:984 (May 2014).

Chapter 21. Animal Care Standards for Bovine, Equine, Poultry, Porcine, Ovine, and Caprine (Formerly Chapter 31)

§2101. Definitions (Formerly §3101)

A. In addition to the definitions listed below, and unless otherwise provided, the definitions in §101 of this Part shall apply to this Chapter.

B. The terms defined in this Chapter have the meanings given to them in this Section, except where the context expressly indicates otherwise.

C. Terms Defined in this Section

Ambulatory—state of biological function where an animal is capable of walking without pain for an extended period of time.

Animal Care and Well-Being Plan—a program or method for providing or ensuring that an animal's basic needs are met to maintain their health, biological function, and physical and behavioral needs.

Animal Health—physical state of an animal.

Animal Husbandry—the branch of agriculture concerned with the care and breeding of domestic animals such as cattle, horses, pigs, and sheep.

Animal Husbandry Procedures—a way of performing or effecting the care and breeding of livestock.

Beef Quality Assurance Guidelines (BQA)—accepted production standards for quality and safety, including biosecurity, animal health and well-being, production performance and environmental stewardship, that are appropriate to an operation and which can be met or exceeded in an objective manner.

Behavioral Needs—a particular animal's need to express behaviors given their species, age, sex, and physiologic state.

Biosecurity—preventive measures designed to reduce the risk of transmission of infectious diseases, parasites and pests.

Body Condition—refers to the health or physical fitness of the animal.

Body Condition Score (BCS)—accepted management tool used by producers, veterinarians, extension personnel, and researchers to evaluate the nutritional level of livestock based on a numerical scale.

Conspecific Aggression—hostile actions or fighting among a group of animals of the same species.

Discomfort—unpleasant sensations other than pain caused by a disruption of normal biologic function or psychological needs.

Disease—pathologic condition of any part of an animal's biology.

Distress—state of mental or physical pain, intense anxiety, or suffering affecting the animal that may require immediate attention.

Electric Stunning—application of high amperage current passed through the brain which renders the animal instantly unconscious.

Electro-Immobilization—use of electricity to immobilize and paralyze animals that does not render them unconscious or insensible to pain.

Euthanasia—intentional causing humane death of an animal in order to relieve pain and suffering.

Facility—premises or something such as a fenced in area or a structure or structures constructed to serve a function related to livestock.

Good Animal Health—having good biological function and being free of disease and injury.

Handling—actions involving hands on treatment of livestock such as loading or unloading, restraining, or moving animals in a pen or chute.

Health—normal biologic and physiologic function free of disease.

Heat or Cold Stress—external temperature and/or humidity causing change of an animal's physiologic function and/or causing distress.

Humane Death—when an animal dies with minimum pain and suffering that may result through utilization of methods such as inhalant agents, injectable euthanasia agents, or other physical methods.

Humane Treatment—care an animal receives with the intention and result of promoting animal health as balanced

with considerations of human health, food safety, and animal production.

Injury—disruption of tissue causing pain or impaired function.

Insensible—unable to perceive any stimulus or having no cortical brain function.

Knowledge—having an awareness of scientifically valid facts regarding animal health and animal husbandry and the ability to apply these facts so as to ensure the care and well-being of animals.

LDAF—Louisiana Department of Agriculture and Forestry.

Livestock—bovine, equine, porcine, ovine, caprine, and poultry used for show, profit, selling, or producing crops, plant or animal products for market.

Livestock Personnel—producer or person in charge of animals.

Mass Euthanasia—putting to death populations of animals in unusual conditions such as wide spread disease eradication and circumstances resulting from natural disasters, as authorized by the state veterinarian.

Minimize Heat Stress—systems utilizing one or more of the following to reduce the negative impact on animals due to heat stress- shade, facility design to improve air flow and ambient temperature from outside temperature and airflow, fans or forced air movement, water cooling systems such as misters, evaporative cooling systems, and climate controlled air conditioning.

Minimize Pain and Distress—actions taken to reduce or eliminate those stimuli resulting in pain or distress.

National Chicken Council (NCC) Guidelines—industry standard program for assessment of animal programs and practices in broiler and broiler breeder operations.

Pain—unpleasant stimulus associated with actual or potential tissue damage that is perceived as unpleasant.

Parturition—act of giving birth (i.e. calving, foaling, lambing, farrowing).

Person in Charge—person who has animal(s) under his supervision or control.

Physiologic Requirements—conditions needed to maintain an animal's normal body function given their physical, metabolic, and hormonal demands.

Physiologic State—functioning of an animal's body, including its current body systems, metabolism, and homeostasis.

Practical—method or technology which is easily available and economically viable as determined by acceptable standards.

Producer—person who owns and is responsible for the care of livestock that are raised for home use or for profit, especially on a farm.

Rapid Loss of Consciousness—that which causes an animal to lose consciousness within 60 seconds.

Remedial Action—any action taken to provide care, nutrition, treatment, veterinary treatment, or other action in order to eliminate the cause of compromised animal health.

Shelter—physical object or construct that provides protection from weather and climate to a specific animal; *shelter* may include manmade constructions, variations in the topography of land, plants, trees, and shrubbery as conditions may require.

Stress—reaction by an animal to an uncomfortable or unfamiliar physical or psychological stimulus that may include an increased state of alertness, anxiety, increased heart rate, or sweating.

Sufficient—enough to meet the physiological needs of the animal (i.e. adequate nutrition to maintain an average BCS).

Supervision—act or having the responsibility to ensure an animal is provided care.

Timely Manner—soon enough that is not too late.

Veterinary Treatment—procedure or care performed by or on the order of a licensed veterinarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2095.1.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 39:3238 (December 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:984 (May 2014).

§2103. General Standards that Apply to the Production of All Animals (Formerly §3103)

A. Producer or person in charge of animals shall ensure that a sufficient level of animal health and animal care and well-being is maintained for the livestock.

1. Livestock personnel shall have the proper level of knowledge, ability, and competency to maintain the health and care and well-being of livestock as specified in this Code.

2. Livestock shall be inspected as determined by livestock personnel based on their age and physiologic state to ensure they remain healthy and to allow for timely remedial action for those livestock found to be diseased or distressed.

B. Exceptions

1. Any standard in this code may be excepted by or under the advice of a licensed veterinarian as required for the prevention, diagnosis, management, treatment, or control of disease or injury.

2. Any standard in this code may be excepted during a declared disaster, foreign animal disease outbreak, or other exceptional circumstance as deemed necessary by LDAF.

3. Any standards in this code may be excepted by LDAF as deemed necessary to promote animal health or care, human health, agriculture, food safety, or other compelling need of the people or resources of the state of Louisiana.

C. Housing

1. Shelter as defined in this document may be a necessary requirement for livestock. All facilities in which livestock are maintained shall be kept clean and ventilated so as to minimize injury or pain caused by noxious gases. All facilities in which livestock are maintained shall be constructed and maintained so as to minimize disease and injury to animals.

2. All facilities in which livestock are maintained shall be constructed and maintained so as to securely contain the livestock within.

3. Livestock shall be able to lie down and rest comfortably so as to meet their behavioral needs for rest.

4. For livestock housed in an indoor facility with concrete floor, dry bedding shall be provided for the comfort and warmth of the livestock.

D. Nutrition and Water

1. All livestock shall be provided sufficient food to maintain good health, meet their physiological requirements, and minimize nutritional or metabolic disease.

2. All livestock shall have access to water, including ponds, so as to maintain adequate hydration.

3. Nutritional standards for livestock may vary with level of activity, pregnancy/nursing status, age, or medical status; veterinary or nutritional consultation may be required to establish these standards.

4. Exception. Food and water may be temporarily withheld when handling, treating, or transporting livestock.

E. Health and Veterinary Care

1. All producers shall develop and implement an animal care and well-being plan to promote the health of the livestock.

2. Livestock shall be monitored regularly as determined by producers and livestock personnel so signs of injury or disease are identified in a timely fashion.

3. Producers shall treat signs of injury or disease in a timely manner to prevent or control compromised health of cattle.

a. Producers shall determine when a licensed veterinarian shall be consulted in the diagnosis, treatment, management, and prevention of injury or disease as necessary to minimize pain and distress of livestock.

4. Livestock other than dairy cattle with a body condition score less than three, and dairy cattle with a BCS less than two shall receive prompt care and/or treatment (see BCS charts below).

5. Livestock suffering from severe lameness shall receive prompt remedial action.

6. Livestock suffering from extreme pain or distress shall be examined by a licensed veterinarian or properly euthanized in a timely fashion as to minimize pain and distress.

7. Non-ambulatory livestock may be moved in the most effective manner deemed necessary by the producer or person in charge.

F. Parturition Management

1. Livestock observed to have vigorous straining and/or abdominal contractions while giving birth without progress shall have remedial action taken.

2. No motor vehicle shall be used to provide traction to assist parturition.

G. Sanitation

1. All facilities in which livestock are maintained shall be kept clean so as to minimize the spread of infectious disease to animals.

2. All facilities in which livestock are maintained shall have pest control so as to minimize the spread of infectious disease to animals.

3. All equipment used in managing livestock shall be kept clean so as to minimize the spread of infectious disease to livestock and to minimize pain.

4. All personnel shall maintain adequate biosecurity in facilities to minimize the spread of infectious disease to livestock.

H. Handling

1. Livestock shall be handled in a manner so as to minimize stress, risk of injury, and risk of exhaustion or heat stress to the livestock.

2. Only the minimum force necessary shall be used to move or restrain livestock.

3. Handling of livestock shall be performed with knowledge of the point of balance and flight zone when possible.

4. All facilities used to move or restrain livestock shall be designed and maintained so as to minimize stress, risk of injury, risk of exhaustion, risk of heat stress and shall allow livestock to be released rapidly if necessary.

5. Electric prodders shall not be used in the most sensitive areas of livestock: udder, eyes, nose, anus, prepuce, vulva, or testicles.

6. Livestock physically restrained in handling facilities shall be supervised at all times.

7. Electro-immobilization shall not be an acceptable handling technique for livestock.

I. Animal Husbandry Procedures

1. Certain animal husbandry procedures shall be performed only as necessary to protect animal and human health, allow animal management and production, and allow product attributes.

a. Necessary animal husbandry procedures include, but are not limited to: castration, disbudding, dehorning, branding, tattooing, and ear tagging.

2. Animal husbandry procedures shall only be performed by personnel with sufficient knowledge to minimize pain and distress.

3. Animal husbandry procedures shall be performed in a timely manner and physiologic state so as to minimize pain and distress.

J. Selection for Transport

1. Livestock transported for any reason shall be ambulatory at the time of loading.

2. Exception shall be when livestock need to be transported on-farm, farm-to-farm, or for veterinary care.

K. Transportation by land shall:

1. be loaded and unloaded in a manner and with proper equipment and personnel so as to minimize stress and injury. Have sufficient headroom so as to not come into contact with the roof of the vehicle in a normal standing position;

2. transportation vehicle shall:

a. have floors that are constructed and kept clean so as to minimize the slipping and falling of livestock; and Be constructed to allow visual inspection of all livestock during transport; and

b. be constructed to allow ventilation and protection in order to minimize the harmful effects of weather and climate;

3. livestock shall be segregated into groups based on age, size, and other attributes so as to minimize injury, distress, and conspecific aggression;

4. livestock shall be loaded at a density that minimizes injury and falling, but that allows animals to rise unassisted if fallen;

5. livestock shall be transported as quickly as possible to their final destination and transported to their final destination directly when possible;

6. pursuant to 49 USC §80502, the transportation of livestock shall be planned so that animals are unloaded and provided rest, water, and feed on travel more than 28 hours.

L. On-Farm Euthanasia

1. Livestock shall be euthanized in a method that results in rapid loss of consciousness and animals must remain insensible until death. The following methods of euthanasia are approved for on farm use:

- a. captive bolt or rifle shot of at least .22 caliber administered so as to disrupt the cerebral cortex and brainstem; and
- b. barbiturate overdose administered by a licensed veterinarian or other licensed professional.

2. The carcass of any livestock euthanized shall be disposed of in a manner as to prevent the spread of infectious disease or if euthanized by barbiturate overdose to prevent other animal exposure to the carcass.

3. The carcasses of all livestock shall be disposed of in a sanitary manner by cremation or burial of at least 6 feet according to R.S. 3:2131.

M. Body condition scoring for livestock is intended to be used as a practical guideline by which producers can measure animal care and well-being based on the animal's physical appearance as determined in the charts below.

1. Body Condition Scoring for Livestock Other than Dairy Cattle

Score	Description
1. Poor	Severely emaciated; no fatty tissue; vertebrae, ribs, tail head, and bones of withers, shoulder, and neck are visible. All rib and bone structures easily visible. No fat over backbone, edge of loin, hip bones, or ribs. Tailhead and ribs project prominently. Animal has difficulty standing or walking.
2. Emaciated	Appears emaciated but tailhead and ribs are less prominent. Individual spinous processes are sharp to touch, but some tissue exists along the spine. Animal not weak, but no fat detectable.
3. Very Thin	Ribs are individually identifiable, but not sharply. No fat on ribs, brisket, spine or over tailhead. Individual hindquarter muscles easily visible, spinous processes apparent.
4. Thin	Individual ribs are not visibly apparent except the last two ribs. Backbone can be identified with slight pressure; individual spinous processes are rounded rather than sharp. Individual muscles in the hindquarter are apparent, but the quarter is straight.
5. Moderate	Good overall appearance. The last two ribs are not visible but can be easily felt. Hindquarter individual muscles are not apparent. Areas on either side of the tail head are filled and fat cover is palpable.
6. High Moderate	Good smooth appearance throughout. Ribs are not visible and are fully covered. Some fat deposition in the brisket. Spongy fat on ribs and pin bones and sides of tailhead. Firm pressure is needed to feel the spinous processes.
7. Good	Livestock appear fleshy and obviously carry considerable fat. Brisket is full. Tailhead and pin bones have protruding fat deposits. Back appears square.
8. Obese	Protruding fat deposits on tailhead and pin bones. Spinous processes almost impossible to feel. Brisket is distended and neck is thick.
9. Very Obese	The body has lost definition and contours disappear across back and sides as animal takes on a block-like smooth appearance. Tailhead and hips buried in fat deposits. Bony structures no longer visible or palpable.

2. Body Condition Scoring for Dairy Cattle

Score	Description
1. Emaciated	Deep cavity around tailhead. Bones of pelvis and short ribs are easily felt. No fatty tissue in pelvic or loin area. Deep depression in loins.
2. Thin	Shallow cavity around tailhead with some fatty tissue lining it and covering pin bones. Pelvis easily felt. Ends of short ribs feel rounded and upper surfaces can be felt with slight pressure. Depression viable in loin area.
3. Ideal	No cavity around tailhead and fatty tissue easily felt over entire area. Pelvis felt with slight pressure. Thick layer of tissue covering top of short ribs which is felt with pressure. Slight depression over loin area.
4. Fat	Fold of fatty tissue around tailhead with patches of fat covering pin bones. Short ribs cannot be felt. No depression in loin area.
5. Obese	Tailhead buried in thick layer of fatty tissue. Pelvic bones cannot be felt with firm pressure. Short ribs covered with thick layer of fatty tissue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2095.1.

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§2105. Beef and Dairy Cattle (Formerly §3105)

A. Body Condition Scoring (BCS) of Cattle

1.a. *BCS*—a standardized, objective method of evaluating the body condition of cattle regardless of breed, age, gender, or body type.

b. *Body Condition*—a measure of fat cover and scores are indicative of energy reserves in the body.

2. Several conditions may affect *body condition*:

- a. lack of proper nutrition;
- b. severe parasitism;
- c. infectious disease;
- d. older animals.

3. Starvation shall not be ascertained by *body condition* alone but may be determined by amount of feed and forage available.

4. Consultation with a licensed veterinarian and or a knowledgeable livestock professional may be suitable in remedying the situation.

5. *Body condition* shall be evaluated by visual appraisal and by feeling six areas of the animal's body and then assigning an overall score.

6. Beef cattle scores range from one (severely emaciated) to nine (very obese).

7. Dairy cattle scores range from one (emaciated) to five (obese).

8. *BCS* below two for beef or dairy scoring indicate emaciated cattle.

B. BQA guidelines may be used as a standard reference for all cattle producers (beef and dairy) as a reference in areas of cattle management and record keeping.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2095.1.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 39:3242 (December 2013),

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§2107. Equine
(Formerly §3107)

A. Housing

1. All facilities in which horses are maintained shall be kept free of excessive feces, urine, mud, or other waste products.

2. All facilities in which horses are maintained shall be constructed and maintained to minimize hazards that may cause injury to the horses confined within.

3. For horses housed in an indoor facility with concrete floor, dry bedding shall be provided for the comfort and warmth of the horses.

4. Horses confined to minimal enclosed areas shall receive sufficient turnout time or controlled exercise (e.g., hand-walking, lunging, riding, driving, hot walker, treadmill) unless directed otherwise by a veterinarian.

5. When housed in groups, horses shall be segregated so as to minimize conspecific aggression.

B. Nutrition

1. Concentrates, trace minerals, and salt may be used to balance the diet.

2. Horses confined without available pasture to graze may need daily supplemental feed; horses on pasture may need supplemental feed if the pasture is insufficient to maintain body weight and health.

C. Water

1. Water troughs, water containers, and any automatic watering devices shall be cleaned and maintained on a regular basis.

2. Transportation of Equine

a. The following horses shall not be transported:

i. those that are non-ambulatory (cannot walk unassisted), weak and/or debilitated, cannot bear weight on one or more legs, blind in both eyes, or, unless being transported for veterinary care;

ii. foals shall not be transported until their navels are closed unless being transported for veterinary care.

3. Transportation by land shall:

a. load horses at a density that minimizes injury and falling, but that allows them to rise unassisted if fallen;

b. horses destined for slaughter shall be transported pursuant to USDA's Slaughter Horse Transport Program in addition to the regulations above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2095.1.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 39:3242 (December 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:988 (May 2014).

§2109. Poultry

(Formerly §3113)

A. Housing and Environment

1. Any facilities in which poultry are housed shall provide shelter so as to minimize the compromise to poultry health from heat, cold, adverse weather, and predation.

2. All (commercial) facilities in which poultry are housed shall be maintained so as to limit the exposure of feeding and watering devices and poultry to feces and urine.

3. All facilities in which poultry are maintained shall be designed, lighted, and stocked so as to allow visual inspections of poultry at any point in time.

4. Natural or artificial lighting mimicking the intensity and duration of daylight shall be provided, or other artificial lighting program exceeding this shall be provided, except as necessary for animal husbandry practices or introduction of new poultry. Any change in artificial lighting program shall be introduced gradually so as to prevent distress of poultry.

5. Stocking density shall follow NCC guidelines of pounds per square foot for commercial enterprises and for backyard flocks and shall not exceed that which does not allow all poultry to lie down simultaneously without being forced to lie on top of other poultry. Environmental moisture and dust shall be minimized in order to prevent the spread of infectious disease or compromise the health, care, and well-being of poultry.

6. Environmental temperature shall be controlled at a level that minimizes heat stress or cold stress to the poultry.

7. The following are acceptable housing systems.

a. Cages (Conventional and Enriched)

i. Cages shall be arranged so as to protect exposure of poultry in one cage from feces or urine from poultry in any other cage.

ii. Maximum slope for any cage shall be designed to support forward facing claws.

b. Barns/Aviaries

i. Flooring shall be such that minimizes claw injuries to birds.

ii. Flooring shall be designed so as to support forward facing claws.

iii. Perches shall be designed so as to minimize injury to the poultry.

c. Free Range

i. For those facilities with an indoor and outdoor component, openings shall be designed so as to facilitate movement of the poultry in a manner that minimizes injury and death to the poultry.

B. Nutrition and Water

1. All poultry shall be provided sufficient food daily so as to maintain good health, meet their physiological requirements, and minimize nutritional or metabolic disease (see exceptions).

2. All poultry shall have continual access to water so as to maintain adequate hydration (see exceptions).

3. All food and water shall be provided in means that minimize aggression or competition.

4. Any mechanical devices used to deliver feed or water shall be kept clean so as to minimize the spread of infectious disease and shall be regularly inspected to ensure proper function.

5. Poultry shall be regularly monitored, and those found not to be consuming adequate food or water shall be removed and either raised alternatively or euthanized.

6. Exception. Food and water may be temporarily withheld up to 48 hours as prescribed by the NCC, allowing for five days feed, and two skipped days, along with limitation of water when handling, performing management practices, treating, transporting, or depopulating poultry.

C. Health and Veterinary Care

1. Disabled poultry shall be removed from their environment in a timely fashion to minimize compromise to

their health and have remedial action taken, including euthanasia.

2. Any dead poultry shall be removed from any facilities and disposed of according to LDAF protocols so as to minimize the spread of infectious disease between poultry and so as to minimize pests.

D. Handling

1. Poultry shall be caught and handled so as to minimize stress, risk of injury, and risk of exhaustion.

a. Poultry shall never be picked up by a single wing.

2. Only the minimum force necessary shall be used to move or restrain poultry.

3. All equipment used to move or restrain poultry shall be designed and maintained so as to minimize stress, risk of injury, risk of exhaustion, risk of heat stress.

4. Poultry that are seriously injured during handling (such as, but not limited to, broken legs) shall have remedial action taken, including euthanasia.

E. Hatching, and Chick/Poult Management

1. All chicks/poults shall have access to adequate nutrition and water within 48 hours of hatching or have other remedial action taken.

2. Environmental temperature control and air flow control shall be present before arrival of new chicks/poults into an area and maintained for newly placed chicks/poults so as to support normal body temperature and minimize health compromise.

F. Animal Husbandry Procedures

1. Certain animal husbandry procedures include, but are not limited to, beak trimming, male claw removal, and dubbing.

a. Animal husbandry procedures shall be performed at an age and physiologic state so as to minimize pain and distress.

i. Beak trimming shall be performed by or before 10 days of age.

ii. Male claw removal and dubbing (in commercial operations) shall be performed by or before 3 days of age.

b. Necessary stressful procedures include induced molting.

i. Induced molting shall be performed and birds sufficiently supervised to prevent health compromise, weight loss, and flock mortality.

G. Transportation

1. Transportation by land shall:

a. have stocking density that allows all poultry to lie down simultaneously without being forced to lie on top of other poultry;

b. have transportation vehicle design, maintenance, arrangement of poultry, and time of transport to minimize injury, distress, or death to the poultry;

c. have vehicle transporting poultry designed to provide adequate ventilation to minimize injury, distress, heat or cold stress, or death to the poultry;

d. have crates or other devices used to transport poultry designed to minimize injury and movement must allow poultry to rapidly reposition in an upright position.

H. On-Farm Euthanasia

1. The following methods of euthanasia shall be approved for on-farm use:

a. carbon dioxide;

b. cervical dislocation;

c. cecapitation;

d. water based foam for mass euthanasia;

e. instantaneous fragmentation may be used for one day old chicks and poults, and for pipped and embryonated eggs. Sufficient flow to and through the instantaneous fragmentation device shall prevent backlog at the point of entry to the device;

f. barbiturate overdose is an acceptable form of euthanasia administered by a licensed veterinarian or other licensed professional.

2. The carcasses of all poultry shall be disposed of in a sanitary manner by cremation or burial of at least six feet according to RS 3:2131 or by following LAC 7:XXI.Chapter 7, Sanitary Disposal of Dead Poultry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2095.1.

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§2111. Porcine

(Formerly §3109)

A. Housing

1. If housed outdoors, shelter shall be readily available to swine so as to minimize the compromise to their health from heat and adverse weather.

2. If housed indoors, facilities shall be maintained so as to minimize the compromise to health from heat and adverse weather.

3. For any swine housed in a primary enclosure, such as a farrowing stall or gestation crate, the swine shall be able to:

a. lie in full recumbency without its head touching a feeder;

b. rise and lie down comfortably at will; and

c. stand so as to not touch more than one side of the enclosure simultaneously and so as to not touch the top of the primary enclosure.

4. Flooring shall be designed or managed so as to minimize slipping and so as to prevent urine scald to the swine.

5. If nursing piglets, the enclosure shall allow the sow to lie down as to minimize injury or death of her piglets.

B. Nutrition and Water

1. Feed shall be provided in methods so as to minimize aggression and resultant injury to swine.

2. Any mechanical devices used to deliver feed or water shall be kept clean so as to minimize the spread of infectious disease, and shall be regularly inspected to ensure proper function.

C. Animal Husbandry Procedures

1. Animal husbandry procedures include, but are not limited to:

a. castration, needle teeth clipping, tail docking, ear notching, tattooing, and ear tagging;

b. shall be performed only as necessary to protect animal and human health;

c. allow animal management and production; and

d. allow product attributes.

2. Animal husbandry procedures shall be performed in a timely manner and physiologic state so as to minimize pain and distress including:

a. clipping of needle teeth performed before five days of age;

b. teeth clipped at the tip of the tooth rather than the gum line;

c. ear notching, tail docking, and castration performed before five days of age.

D. Farrowing and Piglet Management

1. Temperature control shall be provided in order to allow newborn pigs to maintain normal body temperature.

E. Specific Recommendations on All Aspects of Swine Production

1. Producers shall consult the current *Swine Care Handbook* published by the National Pork Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2095.1.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 39:3242 (December 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:989 (May 2014).

**§2113. Ovine and Caprine (Small Ruminants)
(Formerly §3111)**

A. Housing

1. Shelter shall be readily available to small ruminants so as to minimize the compromise to their health from heat or adverse weather.

B. Health and Veterinary Care

1. Management procedures shall be in place to minimize the distress or disease caused by *Haemonchus contortus*.

2. Management procedures shall be in place to minimize fly strike.

3. Small ruminants with a body condition score of or less than three shall receive prompt care and/or treatment by or on the advice of a licensed veterinarian to improve their body condition.

C. Parturition and Lamb/Kid Management

1. All lambs or kids shall receive adequate nutrition from a lactating ewe or doe or shall be provided adequate nutrition by hand rearing if rejected, or have other remedial action taken.

D. Shearing

1. Shearing shall be performed carefully so as to minimize distress and injury to the small ruminant.

E. Animal Husbandry Procedures

1. Animal husbandry procedures include, but are not limited to:

- a. castration;
- b. disbudding;
- c. dehorning;
- d. foot trimming;
- e. injections;
- f. drenching;
- g. shearing;
- h. tail docking of wool sheep;
- i. tattooing; and
- j. ear tagging.

F. Selection for Transport

1. The following small ruminants are not fit for transport:

a. those unable to bear weight, unless transported for veterinary care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2095.1.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 39:3243 (December 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:990 (May 2014).

**§2115. Emergency Standards
(Formerly §3115)**

A. Standards for management and destruction of animals during an emergency may be extended during a declared disaster or animal disease event. In such cases mass euthanasia may be necessary.

1. Mass euthanasia shall be used for unusual conditions which require depopulation, such as wide-spread disease eradication and exigent circumstance resulting from natural disasters; the state veterinarian may authorize alternate methods if necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2095.1.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 39:3245 (December 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:990 (May 2014).

**§2117. Accepted Methods for Mass Euthanasia
(Formerly §3117)**

A. Inhalant Agents

1. Carbon Dioxide (CO₂)

a. Compressed CO₂ gas in cylinders shall be the only allowed source of carbon dioxide.

b. Gas concentration shall be maintained for at least one minute after death.

c. CO₂ shall be the only chemical to be used for euthanasia of animals intended for human or animal consumption.

B. Injectable Euthanasia Agents

1. All injectable agents, including all barbiturate derivatives, shall be used by or under the direct supervision of a licensed veterinarian.

C. Physical Methods

1. Penetrating Captive Bolt

a. Captive bolt guns shall be powered by gunpowder or compressed air and shall provide sufficient energy to penetrate the skull of the species on which they are being used.

b. Penetrating captive bolt shall be suitably placed so that the projectile sufficiently disrupts a cerebral hemisphere and the brain stem causing a sudden loss of consciousness and resulting in humane death.

c. The penetrating captive bolt gun shall be held firmly against the head.

d. All manufacturers' directions regarding caliber and powerload shall be followed.

2. Non-Penetrating Captive Bolt

a. The non-penetrating captive bolt does not have a projectile, is powered by gunpowder or compressed air, and

shall deliver a percussive blow which produces unconsciousness.

b. The non-penetrating captive bolt gun shall be held firmly against the head and shall not be used as a sole means of euthanasia, except for animals weighing equal to or less than 12 pounds and poultry.

c. All manufacturers' directions regarding caliber and powerload shall be followed.

3. Blunt Force Trauma

a. A single decisive blow shall produce immediate depression of the central nervous system and destruction of brain tissue resulting in rapid unconsciousness and humane death.

4. Gunshot

a. Shooting shall only be performed by personnel proficient in the use of firearms and only in jurisdictions that allow legal firearm use. Personnel, the public, and nearby animal safety and well-being shall be considered as well as control of the animal whenever feasible.

b. Gunshot shall utilize bullets of suitable caliber that depend on the size of the animal to be euthanized and that expand on impact. The projectile shall enter the brain causing instant loss of consciousness and humane death.

c. Ammunition for most animals shall be a minimum caliber .22 hollow point for long rifles. For large mature animals, such as cattle and swine, the minimum caliber shall be .22 magnum hollow point for long rifles.

d. The gun shall be held as close as reasonably possible but not less than 2 inches from the head of the animal.

5. *Cervical Dislocation*—the manual stretching or instrument assisted separation of the cervical vertebrae from the skull.

6. *Decapitation*—the rapid separation of the head from the neck.

7. Electrocutation

a. One-step electrocutation shall use alternating current applied to the head and the opposite side of the body behind the heart at the flank skin fold, causing simultaneous stunning and inducing cardiac fibrillation resulting in cerebral hypoxia.

b. Two-step stunning and electrocutation shall first render the animal unconscious by passing an alternating current across the head and followed immediately, in less than 15 seconds, by passing the current from the head to the opposite side of the body behind the heart.

8. *Foam*—a water-based product utilizing a specialized delivery system that produces foam of the appropriate consistency to occlude the upper respiratory tract causing hypoxia in a rapid and humane manner.

9. *Maceration*—the use of a mechanical apparatus having rotating blades or projections that causes immediate fragmentation and death.

10. *Exsanguination*—to drain of blood as a stand-alone method of euthanasia shall be limited to use for ritual slaughter pursuant to ORC, chapter 945.01 and 945.02. *Exsanguination* may be used to ensure death subsequent to stunning or in otherwise unconscious animals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2095.1.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 39:3245 (December 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:990 (May 2014).

Chapter 23. Rendering Plants; Waste Food Processing; Garbage Disposal

§2301. Rendering Plant (Formerly §119)

A. Permit

1. No person shall operate a rendering plant without first obtaining a permit to operate from the board.

2. Upon receipt of application for permit, the board shall make a thorough inspection of the rendering plant, its equipment and general sanitation. If found satisfactory, the board shall issue to the applicant a permit to operate.

3. The permit shall be issued to the person responsible for the operation of the rendering plant and shall not be transferable.

4. The management shall furnish, upon request, to the board an up-to-date list of establishments from which dead animals or animal by-products are regularly collected.

B. Vehicles and Containers

1. Vehicles and containers used in the transportation of dead animals or offal used in a rendering plant shall meet the following requirements.

a. The body of the vehicle used to transport carcasses must be constructed of, or lined with, metal in such a way it is water-tight, and no leakage or drainage may escape from the vehicle.

b. The body of the vehicle shall have sides constructed of, or lined with, metal and shall not be less than 24 inches high to prevent the escape of any material.

2. Any vehicle used for hauling dead animals or offal shall be provided with a tarpaulin or other covering or be so constructed so as to shut off from view all such dead animals or offal, and said conveyance shall not stop by the way unless detained by unavoidable circumstances.

3. All vehicles and containers shall be thoroughly cleaned and disinfected after each trip with a disinfectant approved by the board or by live steam.

C. General Sanitation. General sanitation in the operation of a rendering plant shall meet the following requirements.

1. Incoming dead animals, offal and all other rendering material shall be processed immediately.

2. The finished products shall be handled and stored in such a manner as to avoid contamination.

3. Disposal of waste materials shall be done in a satisfactory manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2131.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:234 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 23:196 (February 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:991 (May 2014).

**§2303. Waste Food Processing Unit
(Formerly §129)**

A. Permit

1. No person shall operate a waste food processing unit unless first obtaining a permit from the board.

2. Upon receipt of an application for a permit, a representative of the board shall make a thorough inspection of the premises and equipment and if found satisfactory to meet the requirements for the preparation of sterilized and dehydrated food (see definition), the board shall issue a permit to the applicant at its discretion.

3. The permit shall be issued to the person responsible for the operation and this permit shall not be transferable.

4. The waste food processor shall furnish the board, upon request, an up-to-date listing of establishments from which waste food is collected and individuals or establishments to which processed food is sold or otherwise disposed.

B. Vehicles and Containers

1. Vehicles and containers used in the transportation of waste food to the processing unit shall meet the following requirements.

a. The body of the vehicle used to transport waste food must be constructed of or lined with metal or other good impervious material in such a way that it is leak-proof so that the waste matter will not escape from the vehicle.

b. Any container used to haul waste shall be in good condition, leak-proof with a tight lid during transit and storage.

c. All vehicles and containers shall be thoroughly cleaned and disinfected after each trip by live steam or with approved disinfectant approved by the board.

C. General Sanitation. General sanitation in the operation of a processing unit shall meet the following requirements.

1. Incoming waste material shall be processed immediately.

2. The finished product shall be handled and stored in such a manner as to avoid contamination from other sources or from the unfinished product.

3. Feeding and processing will not be allowed on the same premises unless a sufficient distance is maintained between the processing area and feeding area to prohibit the introduction of any unprocessed waste material into the feeding area. This will be determined by a representative of the board.

4. Disposal of inedible materials shall be done in a satisfactory manner in order to maintain good sanitation and animal husbandry practices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:235 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:992 (May 2014).

**§2305. Disposal of Garbage
(Formerly §117)**

A. It is unlawful for any person, firm, corporation or partnership, or agent or employee thereof, to feed or allow to be fed garbage to swine.

B. All public and private establishments from which garbage is produced shall be required to furnish the board with information as to the manner by which garbage is disposed of, and must furnish names and addresses of those persons, firms and corporations collecting and/or disposing of the garbage.

C. All garbage disposal operations must be operated in a sanitary manner and in a way that will not place animal or human health in jeopardy, nor shall it create a public nuisance. Such operations must be in full compliance with other regulations of the board and State Department of Health requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:234 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 40:992 (May 2014).

Mike Strain, DVM,
Commissioner

1405#009

RULE

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Agricultural Chemistry and Seed Commission**

Seeds (LAC 7:XIII.723, 741, and 743)

Editor's Note: Sections 723, 741 and 743 of this Rule are being repromulgated to correct citation errors. The original Rule can be viewed in its entirety on pages 743-757 of the April 20, 2014 *Louisiana Register*.

In accordance with R.S. 49:953, the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission intends to amend LAC 7:XIII.Chapters 1-11. This action has amended rules and regulations to incorporate the merger of the Feed, Fertilizer, and Agricultural Liming Commission and the Seed Commission by Act 26, 2013; repeals duplicative or obsolete provisions; stays abreast of changes in industry standards for certifying the seeds of California Bullrush, Sea Oats, and Smooth Cordgrass; and makes the rules and regulations easier for the public and the industry to use and understand.

The changes are shown in the following table, which is not a part of the revisions being made to the rules and regulations.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 7. Certification of Specific Crops/Varieties

Subchapter A. Grasses and Clovers

**§723. Turf and Pasture Grass Certification Standards
(Formerly §219)**

A. - A.3. ...

*A grower may increase his acreage on his own farm on a limited basis with the approval of LDAF.

B. - B.1.a. ...

b. A recommended soil fumigation may be applied by a licensed applicator, followed by an inspection by LDAF a minimum of four weeks after the application, to ensure no emergence of noxious and objectionable weeds prior to planting.

C. Field Inspections. Turf Grasses and Pasture Grasses entered into the certification program shall be inspected at least three times a year: first (April-May); second (August-September); third (December-January) to ensure the quality of the grasses has met or exceeded the minimum standards set forth in these regulations. If a field is found to be deficient in meeting the standards then the producer has the option of spot roguing the undesirable, if LDAF deems possible, and call for a re-inspection of the crop.

D. - E. ...

F. Reporting System

1. Issuing Certificates

a. The grower will be issued numbered certificates of certification and tags by LDAF upon request that must accompany each load of certified grass sold.

b. The grower is responsible for completing the forms and returning the appropriate copies to LDAF within 10 working days of issuance.

2. Tagging System

a. Upon meeting the standards set forth in these regulations the certified crop must have attached to the invoice two tags:

- i. one from the seed certification division; and
- ii. one from the horticulture division of LDAF.

b. This two-tag system shall distinguish the crop to have met or exceeded the requirements set by both divisions of LDAF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 9:204 (April 1983), amended, LR 12:825 (December 1986), LR 16:847 (October 1990), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2733 (October 2013), amended LR 40:755 (April 2014), repromulgated LR 40:992 (May 2014).

Subchapter B. Grain and Row Crop Seeds

§741. Cottonseed Seed Certification Standards (Formerly §165)

A. ...

B. Handling and Storage Requirements

1. Ginning. Cottonseed in all classes of certification, to be certified, shall be ginned on a thoroughly cleaned, one-variety gin approved by LDAF prior to ginning. With special permission of the Department of Agriculture and Forestry:

a. cottonseed for all classes of certification may be ginned on thoroughly cleaned, mixed variety gins either with:

- i. a notarized ginner's agreement previously approved by LDAF, or
- ii. in the presence of a LDAF inspector.

b. cottonseed produced for only the certified class may be ginned on a mixed-variety gin if a minimum of three bales are "blown" through the gin prior to catching of the cottonseed to be certified. An inspector of LDAF may be

present if cottonseed for certification is ginned under special permission.

2. Delinting. Delinters must conform to the same requirements set forth for ginners. No cottonseed entered for certification may be delinted outside the state of Louisiana except by special permission of LDAF.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 8:570 (November 1982), amended LR 9:199 (April 1983), LR 10:737 (October 1984), amended, LR 12:825 (December 1986), LR 13:156 (March 1987), repromulgated LR 13:232 (April 1987), amended LR 18:954 (September 1992), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2723 (October 2013), amended LR 40:755 (April 2014), repromulgated LR 40:993 (May 2014).

§743. Hybrid Seed Corn Certification Standards (Formerly §173)

A. - C.4.a.ii. ...

b. Sucker tassels, portions of tassels or tassels on main plants will be counted as shedding pollen when 2 inches or more of the central stem, the side branches, or a combination of the two have anthers extended from the glumes. In cases where a few silks are out and tassels of the seed parent have begun to shed pollen, the field can be approved by immediate and complete detasseling of the seed parent and removal of the ear shoots with exposed silks, if done to the satisfaction of LDAF.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:572 (November 1982), amended LR 9:197 (April 1983), amended, LR 12:825 (December 1986), LR 13:156 (March 1987), repromulgated LR 13:232 (April 1987), amended LR 15:613 (August 1989), LR 20:643 (June 1994), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2733 (October 2013), amended LR 40:755 (April 2014), repromulgated LR 40:993 (May 2014).

Mike Strain, DVM
Commissioner

1405#010

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment
Standards and Practices (LAC 28:CXI.113)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted revisions to *Bulletin 118—Statewide Assessment Standards and Practices*: §113, Transition to Standards-Based Assessments in English Language Arts and Mathematics. The policy outlines the schedule for

implementing new assessments based on Louisiana state standards.

**Title 28
EDUCATION**

**Part CXI. Bulletin 118—Statewide Assessment
Standards and Practices**

Chapter 1. General Provisions

**§113. Transition to Standards-Based Assessments in
English Language Arts and Mathematics**

A. Beginning with the 2014-2015 school year, the LDE shall implement standards-based assessments in English language arts and mathematics based on nationally recognized standards approved by BESE that represent the knowledge and skills needed for students to successfully transition to postsecondary education and the workplace. Rigorous student achievement standards shall be set with reference to test scores of the same grade levels nationally. The rigor of each standards-based assessment, at a minimum, shall be comparable to national achievement tests, including but not limited to, the national assessment of education progress.

B. For grades 3-8, standards-based assessments in English language arts and mathematics shall be developed by LDE or developed by LDE in collaboration with other states implementing nationally recognized standards that represent the same level of rigor as BESE-approved standards.

C. The LDE shall utilize summative online assessments in grades 3-8 that may be administered using computers, laptops, and tablets, and multiple operating systems, according to the schedule set forth in this section. Prior to the spring 2015 statewide testing administration for grades 3-8, all schools shall participate in at least one online testing simulation facilitated by the LDE to determine technology readiness.

D. For the 2014-2015 school year only, students in grades 3 and 4 shall participate in the paper administration of the state assessments unless an LEA chooses to administer the online assessment to these grades and informs the LDE by a deadline determined by the LDE.

E. Beginning with the 2014-2015 school year, students in grades 5-8 shall participate in the online administration of the state assessments.

1. For the 2014-2015 school year only, if a school has participated in the testing simulation and is determined by the LDE to be unable to administer online assessments, the LEA may apply to the state superintendent of education for a one-year waiver of the online testing requirement.

2. Students enrolled in a school that is awarded a waiver of the online testing requirement shall participate in the paper administration of the assessment.

F. Beginning with the 2015-2016 school year, students in grades 3-8 shall participate in the online administration of the state assessments.

G. The assessments shall use multiple item types to measure student learning, including but not limited to, selected-response, constructed-response, technology-enhanced, and complex performance tasks.

H. The statewide assessment program shall include and make available multiple accommodations for students with exceptionalities as set forth in their individual education plan.

I. The assessments shall offer retake opportunities for testing irregularities and students requiring remediation and retesting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:994 (May 2014).

Heather Cope
Executive Director

1405#004

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School
Administrators (LAC 28:CXV.2318, 2333,
2341, 2345, 2353, 2355, 2361, 2363, and 2369)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*: §2318, The College Diploma; §2333, Art; §2341, English; §2345, Foreign Language; §2353, Mathematics; §2355, Music; §2361, Science; §2363, Social Studies; and §2369, Theatre Arts. The policy revisions align the high school courses required for the college diploma with the courses required for TOPS as listed in Act 359 of the 2013 Regular Session of the Legislature.

**Title 28
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators**

**Chapter 23. Curriculum and Instruction
Subchapter A. Standards and Curricula**

§2318. The College Diploma

A. - B.7.a. ...

C. Minimum Course Requirements

1. For incoming freshmen in 2008-2009 and beyond who are completing the Louisiana basic core curriculum, the minimum course requirements for graduation shall be the following:

NOTE: For courses indicated with *, an Advanced Placement (AP) or International Baccalaureate (IB) course designated in §2325 may be substituted.

a. English—4 units:

- i. English I;
- ii. English II;
- iii. English III*;
- iv. English IV* or Senior Applications in English.

b. Mathematics—4 units:

i. all students must complete one of the following:

- (a). Algebra I (1 unit);
- (b). Applied Algebra I (1 unit); or
- (c). Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units).

- ii. Geometry or Applied Geometry;
- iii. the remaining unit(s) shall come from the following:

- (a). Algebra II;
- (b). Financial Mathematics;
- (c). Math Essentials;

- (d). Advanced Math—Pre-Calculus;
- (e). Advanced Math—Functions and Statistics;
- (f). Pre-Calculus*;
- (g). Calculus*;
- (h). Probability and Statistics*;
- (i). Discrete Mathematics; or
- (j). a locally initiated elective approved by

BESE as a math substitute.

c. Science—3 units:

- i. 1 unit of Biology*;
- ii. 1 unit from the following physical science

cluster:

- (a). Physical Science;
- (b). Integrated Science;
- (c). Chemistry I*;
- (d). Physics I*;
- (e). Physics of Technology I;
- iii. 1 unit from the following courses:

- (a). Aerospace Science;
- (b). Biology II*;
- (c). Chemistry II*;
- (d). Earth Science;
- (e). Environmental Science*;
- (f). Physics II*;
- (g). Physics of Technology II;
- (h). Agriscience II;
- (i). Anatomy and Physiology;
- (j). ChemCom;
- (k). an additional course from the physical science cluster; or

(l). a locally initiated elective approved by BESE as a science substitute;

iv. students may not take both Integrated Science and Physical Science;

v. Agriscience I is a prerequisite for Agriscience II and is an elective course.

d. Social Studies—3 units:

- i. U.S. History*;
- ii. Civics* (1 unit) or 1/2 unit of Civics* and 1/2

unit of Free Enterprise;

NOTE: Students entering the ninth grade in 2011-2012 and beyond must have one unit of civics with a section on free enterprise.

iii. 1 of the following:

- (a). world history*;
- (b). world geography*;
- (c). western civilization*; or
- (d). AP European history.

e. Health Education—1/2 unit:

i. JROTC I and II may be used to meet the health education requirement. Refer to §2347.

f. Physical education—1 1/2 units:

- i. shall include physical education I, or adapted physical education for eligible special education students;
- ii. a maximum of 4 units of physical education may be used toward graduation.

NOTE: The substitution of JROTC and school sponsored athletic extracurricular activities is permissible.

g. Electives—8 units:

i. shall include the minimum courses required to complete a career area of concentration for incoming freshmen 2010-2011 and beyond.

(a). The area of concentration shall include one unit of education for careers, journey to careers, or JAG.

h. Total—124 units.

2. For incoming freshmen in 2008-2009 through 2013-2014 who are completing the Louisiana Core 4 Curriculum, the minimum course requirements shall be the following.

NOTE: For courses indicated with *, an advanced placement (AP) or international baccalaureate (IB) course designated in §2325 may be substituted.

a. English—4 units:

- i. English I;
- ii. English II;
- iii. English III*;
- iv. English IV*.

b. Mathematics—4 units:

- i. Algebra I, Applied Algebra I, or Algebra I-Pt. 2;
- ii. Geometry or Applied Geometry;
- iii. Algebra II;
- iv. the remaining unit shall come from the following:

- (a). Financial Mathematics;
- (b). Math Essentials;
- (c). Advanced Math—Pre-Calculus;
- (d). Advanced Math—Functions and Statistics;
- (e). Pre-Calculus*;
- (f). Calculus*;
- (g). Probability and Statistics*;
- (h). Discrete Mathematics;
- (i). AP Calculus BC; or
- (j). a locally initiated elective approved by

BESE as a math substitute.

c. Science—4 units:

- i. 1 unit of Biology*;
- ii. 1 unit of Chemistry*;
- iii. 2 units from the following courses:

- (a). Physical Science;
- (b). Integrated Science;
- (c). Physics I*;
- (d). Physics of Technology I;
- (e). Aerospace Science;
- (f). Biology II*;
- (g). Chemistry II*;
- (h). Earth Science;
- (i). Environmental Science;
- (j). Physics II*;
- (k). Physics of Technology II;
- (l). Agriscience II;
- (m). Anatomy and Physiology;
- (n). AP Physics C: Electricity and Magnetism;
- (o). AP Physics C: Mechanics;
- (p). a locally initiated elective approved by

BESE as a science substitute.

iv. Students may not take both Integrated Science and Physical Science;

v. Agriscience I is a prerequisite for Agriscience II and is an elective course;

vi. a student completing a career area of concentration may substitute one of the following BESE/Board of Regents approved IBC course from among

the primary courses in the student's area of concentration for the fourth required science unit:

(a). Nutrition and Foods and Advanced Nutrition and Foods;

- (b). Food Services II;
- (c). Allied Health Services II;
- (d). Dental Assistant II;
- (e). Emergency Medical Technician-Basic

(EMT-B);

- (f). Health Science II;
- (g). Medical Assistant II;
- (h). Sports Medicine III;
- (i). Advanced Electricity/Electronics;
- (j). Process Technician II;
- (k). NCCR Electrical II;
- (l). Computer Service Technology II;
- (m). Horticulture II;
- (n). Networking Basics;
- (o). Routers and Routing Basics;
- (p). Switching Basics and Intermediate Routing;
- (q). WAN Technologies;
- (r). Animal Science;
- (s). Biotechnology in Agriscience;
- (t). Environmental Studies in Agriscience;
- (u). Equine Science;
- (v). Forestry;
- (w). Horticulture;
- (x). Small Animal Care/Management;
- (y). Veterinary Assistant;
- (z). Oracle Academy Course: DB Programming

with PL/SQL;

- (aa). NCCR Electrical II TE; and
- (bb). NCCR Electricity in Agriscience.

d. Social Studies—4 units:

i. Civics* (1 unit) or 1/2 unit of Civics* and 1/2 unit of Free Enterprise;

NOTE: Students entering the ninth grade in 2011-2012 and beyond must have one unit of Civics with a section on Free Enterprise.

- ii. U.S. History*;
- iii. 1 unit from the following:
 - (a). World History*;
 - (b). World Geography*;
 - (c). Western Civilization*;
 - (d). AP European History;

- iv. 1 unit from the following:
 - (a). World History*;
 - (b). World Geography*;
 - (c). Western Civilization*;
 - (d). AP European History;
 - (e). Law Studies;
 - (f). Psychology*;
 - (g). Sociology;
 - (h). Civics (second semester—1/2 credit);
 - (i). African American Studies;
 - (j). Economics;
 - (k). AP Economics: Micro;
 - (l). AP Government and Politics: Comparative;
 - (m). AP Government and Politics: U.S.;
 - (n). AP Human Geography;

NOTE: Students may take two half credit courses for the fourth required social studies unit.

v. a student completing a career area of concentration may substitute one of the following BESE/Board of Regents approved IBC course from among the primary courses in the student's area of concentration for the fourth required social studies unit:

- (a). Advanced Child Development;
- (b). Early Childhood Education II;
- (c). Family and Consumer Sciences II;
- (d). ProStart II;
- (e). T and I Cooperative Education (TICE);
- (f). Cooperative Agriculture Education;
- (g). Administrative Support Occupations;
- (h). Business Communication;
- (i). Cooperative Office Education;
- (j). Entrepreneurship—Business;
- (k). Lodging Management II;
- (l). Advertising and Sales Promotion;
- (m). Cooperative Marketing Education I;
- (n). Entrepreneurship—Marketing;
- (o). Marketing Management;
- (p). Marketing Research;
- (q). Principles of Marketing II;
- (r). Retail Marketing;
- (s). Tourism Marketing;
- (t). CTE Internship;
- (u). General Cooperative Education II;
- (v). STAR II.

e. Health Education—1/2 unit:

i. JROTC I and II may be used to meet the health education requirement. Refer to §2347.

f. Physical Education—1 1/2 units:

i. shall be Physical Education I and Physical Education II, or Adapted Physical Education for eligible special education students;

ii. a maximum of 4 units of Physical Education may be used toward graduation.

NOTE: The substitution of JROTC is permissible.

g. Foreign language—2 units:

i. shall be 2 units in the same foreign language or 2 speech courses.

h. Arts—1 unit:

i. 1 unit Art (§2333), Dance (§2337), Media Arts (§2354), Music (§2355), Theatre Arts, (§2369), or Fine Arts Survey;

NOTE: Students may satisfy this requirement by earning half credits in two different arts courses.

ii. a student completing a career area of concentration may substitute one of the following BESE/Board of Regents approved IBC course from among the primary courses in the student's area of concentration for the fourth required applied art unit:

- (a). clothing and textiles and advanced clothing and textiles;
- (b). NCCR Carpentry II TE;
- (c). NCCR Welding Technology II;
- (d). Advanced Metal Technology;
- (e). Advanced Technical Drafting;
- (f). Architectural Drafting;
- (g). NCCR Carpentry II—T and I;
- (h). NCCR Welding Technology II—T and I;
- (i). Cabinetmaking II;
- (j). Commercial Art II;

- (k). Cosmetology II;
- (l). Culinary Occupations II;
- (m). Custom Sewing II;
- (n). Graphic Arts II;
- (o). Photography II;
- (p). Television Production II;
- (q). Upholstery II;
- (r). Welding II;
- (s). NCCR Carpentry In Agriscience;
- (t). NCCR Welding Technology Agriscience;
- (u). Agriscience Construction Technology;
- (v). Agriscience Power Equipment;
- (w). Floristry;
- (x). Landscape Design and Construction;
- (y). Introduction to Business Computer

Applications;

- (z). Accounting II;
- (aa). Business Computer Applications;
- (bb). Computer Multimedia Presentations;
- (cc). Desktop Publishing;
- (dd). Keyboarding Applications;
- (ee). Telecommunications;
- (ff). Web Design I or II;
- (gg). Word Processing; and
- (hh). Digital Media II.

i. Electives—3 units.

j. Total—24 units.

k. The substitutions below are allowed for students attending the New Orleans Center for Creative Arts.

i. NOCCA Integrated English I, II, III, and IV can be substituted for English I, II, III, and IV.

ii. NOCCA Integrated Mathematics I, II, and III can be substituted for Algebra I, Geometry and Algebra II.

iii. NOCCA Integrated Science I, II, III, and IV can be substituted for Environmental Science, Biology, Chemistry, and Physics.

iv. NOCCA Integrated World History I, II, III, and IV can be substituted for World Geography, World History, Civics, and U.S. History.

3. For incoming freshmen in 2014-2015 and beyond who are completing the college diploma, the minimum course requirements shall be the following:

a. English—four units:

i. English I;

ii. English II;

iii. one of the following:

(a). English III;

(b). AP English language arts and composition;

(c). English III IB;

iv. one of the following:

(a). English IV;

(b). AP English literature and composition;

(c). English IV IB;

b. mathematics—four units:

i. algebra I;

ii. geometry;

iii. algebra II;

NOTE: Integrated mathematics I, II, and III may be substituted for the algebra I, geometry, and algebra II sequence.

iv. one of the following:

(a). algebra III;

(b). advanced math—functions and statistics;

(c). advanced math—pre-calculus;

(d). pre-calculus;

(e). math methods I IB (mathematical studies

SL);

(f). calculus;

(g). AP calculus AB;

(h). math methods II IB;

(i). AP calculus BC;

(j). AP statistics;

(k). IB further mathematics HL; or

(l). IB mathematics HL;

c. science—four units:

i. biology I;

ii. chemistry I;

iii. two units chosen from the following:

(a). earth science;

(b). environmental science;

(c). physical science;

(d). agriscience II—the elective course agriscience I is a pre-requisite;

(e). one of:

(i). chemistry II;

(ii). AP chemistry;

(iii). IB chemistry II;

(f). one of:

(i). AP environmental science;

(ii). IB environmental systems;

(g). one of:

(i). physics I;

(ii). AP physics B;

(iii). IB physics I;

(h). one of:

(i). AP physics C: electricity and magnetism;

(ii). AP physics C: mechanics;

(iii). IB physics II;

(i). AP physics I and AP physics II;

(j). one of:

(i). biology II;

(ii). AP biology;

(iii). IB biology II;

d. social studies—4 units:

i. one unit chosen from:

(a). U.S. history;

(b). AP U.S. history;

(c). IB U.S. history;

ii. one unit chosen from:

(a). one unit of civics with a section on free enterprise; or

(b). one-half unit of:

(i). government; or

(ii). AP U.S. government and politics:

comparative; or

(iii). AP U.S. government and politics:

United States; and

(c). one-half unit of:

(i). economics;

(ii). AP macroeconomics; or

(iii). AP microeconomics;

iii. two units chosen from:

(a). one of:

(i). European history; or

- (ii). AP European history;
- (iii). western civilization;
- (b). one of:
 - (i). world geography;
 - (ii). AP human geography; or
 - (iii). IB geography;
- (c). one of:
 - (i). world history;
 - (ii). AP world history; or
 - (iii). world history I;
- (d). IB economics;
- e. foreign language—two units:
 - i. two units from the same language;
- f. art—one unit chosen from the following:
 - i. art (§2333);
 - ii. music (§2355);
 - iii. dance (§2337);
 - iv. theatre (§2369);
 - v. speech III and IV—one unit combined;
 - vi. fine arts survey;
- g. physical education—1 1/2 units. They shall include:
 - i. physical education I and II;
 - ii. adapted physical education I and II for eligible special education students;
 - iii. JROTC I, II, III, or IV; or
 - iv. physical education I (1 unit) and 1/2 unit of marching band, extracurricular sports, cheering, or dance team;
 - h. health education—1/2 unit;
 - i. electives—three units;
 - j. total—24 units.

4. - 6.a.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17: 395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014).

§2333. Art

A. Art course offerings shall be as follows.

Course Title(s)	Units
Art I, II, III, IV	1 each
AP Art Studio 3-D Design	1
AP Art History	1
Talented Art I, II, III, IV	1 each
AP Studio Art: 2-D Design	1
AP Studio Art: 3-D Design	1
AP Studio Art: Drawing	1
Art Design III IB	1
Art Design IV IB	1

B. Art I is a prerequisite to art II and art III.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005),

amended LR 31:3069 (December 2005), LR 37:2132 (July 2011), LR 40:998 (May 2014).

Subchapter B. Academic Programs of Study

§2341. English

A. The English course offerings for the college diploma shall be as follows.

Course Title(s)	Units
English I, II, III, and IV	1 each
Business English (for incoming freshmen prior to 2008-2009)	1
Senior Applications in English	1
Reading I (elective credit)	1
Reading II (elective credit)	1
English as a Second Language (ESL) I, II, III, and IV (elective credit)	1 each
AP English Language Arts and Composition	1
AP English Literature and Composition	1
English III IB	1
English IV IB	1

B. The English course offerings for the career diploma shall be as follows.

Course Title(s)	Units
English I, II, III, and IV	1 each
Senior Applications in English	1
Technical Reading and Writing	1
Business English	1
Business Communications	1
Using Research in Careers	1/2 unit
American Literature	1/2 unit
Film in America	1/2 unit
Reading I (elective credit)	1
Reading II (elective credit)	1
English as a Second Language (ESL) I, II, III, and IV (elective credit)	1 each
Course(s) developed by the LEA and approved by BESE	1

C. Only students who have limited English proficiency are permitted to enroll in English as a second language (ESL) courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005), amended LR 33:2605 (December 2007), LR 36:1492 (July 2010), LR 40:998 (May 2014).

§2345. Foreign Languages

A. The foreign language course offerings shall be as follows.

Course Title(s)	Units
French I, II, III, IV, V	1 each
German I, II, III, IV, V	1 each
Italian I, II, III, IV, V	1 each
Latin I, II, III, IV, V	1 each
Russian I, II, III, IV, V	1 each
Spanish I, II, III, IV, V	1 each
American Sign Language I, II, III, IV	1 each
Greek I, II, III, IV	1 each
Chinese I, II, III, IV	1 each
Japanese I, II, III, IV	1 each
Hebrew I, II, III, IV	1 each
Arabic I, II, III, IV	1 each
AP Chinese Language and Culture	1
AP French Language and Culture	1
AP German Language and Culture	1

Course Title(s)	Units
AP Italian Language and Culture	1
AP Japanese Language and Culture	1
AP Latin	1
AP Spanish Language and Culture	1
French IV IB	1
French V IB	1
Spanish IV IB	1
Spanish V IB	1

B. Teachers of American sign language shall have a valid Louisiana teaching certificate and documentation of the following:

1. provisional level certification from the American Sign Language Teachers Association (ASLTA); or
2. certificate of interpretation (CI) from the Registry of Interpreters of the Deaf (RID); or
3. certificate of transliteration (CT) from the RID; or
4. certified deaf interpreter certification (CDI) from the RID; or
5. level IV or V certificate of competence from the National Association of the Deaf (NAD); or
6. level IV or V official documentation of the videotaped version of the educational interpreter performance assessment (EIPA).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 273, and R.S. 17:284.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005), amended LR 36:1996 (September 2010), LR 38:759 (March 2012), LR 38:2364 (September 2012), LR 40:998 (May 2014).

§2353. Mathematics

A. The mathematics course offerings for the College Diploma shall be as follows.

Course Title(s)	Units
Advanced Math—Pre-Calculus	1
Advanced Math—Functions and Statistics	1
Algebra I, II	1 each
Applied Algebra I	1
Algebra I—Part 1	1
Algebra I—Part 2	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics	1
Geometry	1
Applied Geometry	1
Integrated Mathematics I, II, III	1 each
Pre-Calculus	1
Probability and Statistics	1
Math Essentials	1
AP Calculus BC	1
AP Calculus AB	1
AP Statistics	1
Math Methods I IB (Mathematical Studies SL)	1
Math Methods II IB (Mathematics SL)	1
IB Further Mathematics HL	1
IB Mathematics HL	1

B. The mathematics course offerings for the career diploma shall be as follows.

Course Title(s)	Units
Algebra I	1
Algebra I—Part 1	1
Algebra I—Part 2	1
Applied Algebra I	1

Course Title(s)	Units
Geometry	1
Applied Geometry	1
Financial Mathematics	1
Technical Math	1
Medical Math	1
Applications in Statistics and Probability	1
Algebra II	1
Advanced Math—Pre-Calculus	1
Discrete Mathematics	1
Math Essentials	1
Course(s) developed by the LEA and approved by BESE	1

C. Financial mathematics may be taught by teachers certified in business education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005), amended LR 33:2605 (December 2007), LR 34:1609 (August 2008), LR 35:2322 (November 2009), LR 36:1493 (July 2010), LR 38:760 (March 2012), LR 40:999 (May 2014).

§2355. Music

A. The music course offerings shall be as follows.

Course Title(s)	Units
Applied Music	1
Beginning Band	1
Beginning Choir	1
Sectional Rehearsal	1
Studio Piano I, II, III	1 each
Studio Strings I, II, III	1 each
Intermediate Band	1
Intermediate Choir	1
Advanced Band	1
Advanced Choir	1
Beginning Orchestra	1
Intermediate Orchestra	1
Advanced Orchestra	1
Small Vocal Ensemble	1
Wind Ensemble	1
Jazz Ensemble	1
Guitar Class	1
Piano Class	1
Music Theory I, II	1 each
Music and Media	1
Music and Technology	1
Talented Music I, II, III, IV	1 each
AP Music Theory	1
Music I IB	1
Music II IB	1
Marching Band	1/2

B. Advanced choir, advanced band, advanced orchestra, intermediate choir, intermediate band, intermediate orchestra, studio strings III, sectional rehearsal, small vocal ensemble, wind ensemble, applied music, jazz ensemble, and studio piano III are performance classes with new literature each year; they may be repeated more than once.

C. Approval by LDE is required before private piano and studio strings instruction can be given for credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005), amended LR 31:3069 (December 2005), LR 33:2354 (November 2007), LR 37:2133 (July 2011), LR 40:999 (May 2014).

§2361. Science

A. The science course offerings for the college diploma shall be as follows.

Course Title(s)	Units
Aerospace Science	1
Agriscience II	1
Anatomy and Physiology	1
Biology I, II	1 each
Chemistry I, II	1 each
Earth Science	1
Environmental Science	1
Integrated Science	1
Physical Science	1
Physics I, II	1 each
Physics of Technology I, II	1 each
Approved IBC-related courses for those students who meet the requirement	1 each
AP Chemistry	1
IB Chemistry II	1
AP Environmental Science	1
IB Environmental Systems	1
AP Physics B	1
IB Physics I	1
AP Physics C: Electricity and Magnetism	1
AP Physics C: Mechanics	1
IB Physics II	1
AP Physics I and II	1/2 each
AP Biology	1
IB Biology II	1

B. The science course offerings for the career diploma shall be as follows.

Course Title(s)	Units
Aerospace Science	1
Agriscience II	1
Anatomy and Physiology	1
Biology	1
Chemistry	1
Earth Science	1
Environmental Science	1
Integrated Science	1
Physical Science	1
Physics	1
Physics of Technology I, II	1 each
Food Science	1
Forensic Science	1
Allied Health Science	1
Basic Body Structure and Function	1
Basic Physics with Applications	1
Animal Science	1
Biotechnology in Agriculture	1
Environmental Studies in Agriculture	1
Health Science II	1
EMT—Basic	1
Course(s) developed by the LEA and approved by BESE	1 each

C. Students may not take both integrated science and physical science.

D. Agriscience I is a prerequisite for agriscience II and is an elective course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005), amended LR 33:2605 (December 2007), LR 36:1494 (July 2010), LR 40:1000 (May 2014).

§2363. Social Studies

A The social studies course offerings for the college diploma shall be as follows.

Course Title(s)	Units
American Government	1
American History	1
Civics	1
Economics	1
Free Enterprise	1/2
Law Studies	1
Psychology	1
Sociology	1
AP European History	1
African American Studies	1
Approve IBC-related courses for those students who meet the requirement	1 each
AP U.S. History	1
IB U.S. History	1
AP US Government and Politics: Comparative	1/2
AP US Government and Politics: United States	1/2
AP Macroeconomics	1/2
AP Microeconomics	1/2
AP Human Geography	1
IB Geography	1
AP World History	1
World History IB	1
IB Economics	1

B. The social studies course offerings for the career diploma shall be as follows.

Course Title(s)	Units
American Government	1
American History	1
Civics	1
Economics	1
Free Enterprise	1/2
Law Studies	1
Psychology	1
Sociology	1
African American Studies	1
Child Psychology and Parenthood Education	1
Course(s) developed by the LEA and approved by BESE	1

C. Economics may be taught by a teacher certified in business education.

D. Free enterprise and the one credit civics course shall include instruction in personal finance. Such instruction shall include but shall not be limited to the following components:

1. income;
2. money management;
3. spending and credit;
4. savings and investing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.3, R.S. 17:274, R.S. 17:274.1, and R.S. 17:274-274.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005),

amended LR 31:3072 (December 2005), LR 33:431 (March 2007), LR 33:2606 (December 2007), LR 36:1495 (July 2010), LR 37:1131 (April 2011), LR 40:1000 (May 2014).

§2369. Theatre Arts

A. The theatre arts course offerings shall be as follows.

Course Title(s)	Units
Theatre I, II, III, IV	1 each
Technical Theatre	1
Theatre Design and Technology	1
Talented Theatre I, II, III, IV	1 each
Film Study I IB	1
Film Study II IB	1
Theatre I IB	1

B. Theatre II, III, and IV are performance classes with new literature each year; they may be repeated more than once.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005), amended LR 31:3070 (December 2005), LR 37:2133 (July 2011), LR 40:1001 (May 2014).

Heather Cope
Executive Director

1405#006

RULE

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
(LAC 28:XLV.105, 107, 307, 701, and 1301)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted revisions to *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*: §105, State Adoption of National Accreditation Standards; §107, The Partnership Agreements; §307, Level III Approval; §701, Introduction; and §1130, Acronyms. The proposed policy will update the state partnership with the Council for Accreditation of Educator Preparation (CAEP) and authorize the state superintendent of education to sign a seven-year partnership agreement between the state and CAEP to conduct joint state program approval and CAEP accreditation reviews.

Title 28

EDUCATION

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 1. Introduction

§105. State Adoption of National Accreditation Standards

A. - B. ...

C. In July 2013, NCATE and TEAC merged to become the Council for Accreditation of Educator Preparation (CAEP). The state has adopted the standards prescribed by CAEP. These standards are available on the CAEP website, www.caepnet.org.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002), amended LR 30:2452 (November 2004), LR 35:2327 (November 2009), LR 40:1001 (May 2014).

§107. The Partnership Agreements

A. - B. ...

C. In July 2013, NCATE and TEAC merged to form the Council for Accreditation of Educator Preparation (CAEP). In January 2014, BESE authorized John White, state superintendent of education, to sign a seven-year partnership agreement between the state and the Council for Accreditation of Educator Preparation to conduct joint state program approval and CAEP accreditation reviews. The CAEP/state partnership agreement formalizes current practice and provides the state greater input into the review process.

D. Teacher and/or educational leader preparation programs at public and private institutions of higher education must pursue accreditation by the Council for Accreditation of Educator Preparation (CAEP).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002), amended LR 30:2452 (November 2004), LR 35:2327 (November 2009), LR 40:1001 (May 2014).

Chapter 3. State Approval for Public and Private University Teacher and/or Educational Leader Preparation Units

§307. Level III Approval [Formerly §207]

A. - B. ...

C. Within three years or less from the time at which an institution is notified of eligibility for candidacy, the unit must host a joint visit with a national accreditation agency and state representatives (see guidelines provided by the state-approved national accrediting agency, identified in §107 of this document).

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2452 (November 2004), amended LR 35:2327 (November 2009), LR 37:560 (February 2011), LR 40:1001 (May 2014).

Chapter 7. Louisiana State Standards for Teacher Preparation Programs

§701. Introduction [Formerly §301]

A. Each teacher preparation program seeking approval from the Board of Elementary and Secondary Education (BESE) is required to incorporate and adhere to CAEP standards and to track closely the CAEP accreditation process. It is the responsibility of the teacher preparation program to prepare and present a clear description of how it is responding to each of the Louisiana standards within the accreditation process.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002),

amended LR 30:2454 (November 2004), LR 35:2329 (November 2009), LR 37:563 (February 2011), LR 40:1001 (May 2014).

Chapter 13. Identifications of Acronyms

§1301. Acronyms

[Formerly §601]

A. Listed below are the full identifications of acronyms used in this publication.

BESE—Board of Elementary and Secondary Education.

BOR—Board of Regents.

CAEP—Council for Accreditation of Educator Preparation.

CCSS—Common Core State Standards.

CHEA—Council for Higher Education.

IEP—individualized education plan.

K-12—kindergarten through twelfth grade.

LDOE—Louisiana Department of Education.

LEAP 21—Louisiana Educational Assessment Program for the 21st century.

LSDAS—Louisiana School and District Accountability System.

NCATE—National Council for the Accreditation of Teacher Education.

PK-3—pre-kindergarten through third grade.

PK-12—pre-kindergarten through twelfth grade.

TEAC—Teacher Education Accreditation Council.

USDOE—U.S. Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1736 (August 2002), amended LR 30:2459 (November 2004), LR 35:2331 (November 2009), LR 36:754 (April 2010), LR 37:566 (February 2011), LR 40:1002 (May 2014).

Heather Cope
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RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship/Grant Programs—Degree Completion
(LAC 28:IV.701, 705, 805, and 1903)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its scholarship/grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (SG14152R)

Title 28

EDUCATION

Part IV. Student Financial Assistance

Higher Education—Scholarship and Grant Programs

Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§701. General Provisions

A. - E.11.c. ...

12. Repealed.

F. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1645-1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25: 256 (February 1999), LR 26:67 (January 2000), LR 26:1262 (June 2000), LR 26:1995 (September 2000), LR 26:2000 (September 2000), repromulgated LR 27:1848 (November 2001), amended LR 28:447 (March 2002), LR 28:2331 (November 2002), LR 29:880 (June 2003), LR 29:2372 (November 2003), LR 30:1161 (June 2004), LR 31:2213 (September 2005), LR 35:228 (February 2009), LR 36: 2854 (December 2010), LR 40:1002 (May 2014).

§705. Maintaining Eligibility

A. - E.3. ...

F.1. A student who successfully completes an undergraduate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a graduate or professional school at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an undergraduate degree and has met the requirements for continued eligibility set forth in §705.A.6. The remaining eligibility may not be used to pursue a second undergraduate degree.

2. Beginning with the 2012-2013 academic year (college), a student who successfully completes an associate's degree in an academic or non-academic program without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a program of study leading to a baccalaureate degree, to a vocational or technical certificate or diploma, or to a non-academic degree at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an associate's degree and has met the requirements for continued eligibility set forth in §705.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014).

Chapter 8. TOPS-Tech Award

§805. Maintaining Eligibility

A. - D.3. ...

E. A student who successfully completes a vocational or technical certificate or diploma program or a non-academic degree program without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in another program of study leading to a vocational or technical certificate or diploma or to a non-academic degree no later than the fall semester immediately following the first anniversary of the student's completion of a vocational or technical certificate or diploma program or of a non-academic degree program and has met the requirements for continued eligibility set forth in §805.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014).

Chapter 19. Eligibility and Responsibilities of Post-Secondary Institutions

§1903. Responsibilities of Post-Secondary Institutions

A. - A.2.h. ...

3. Beginning with the 2013-2014 academic year (college), an institution shall also report:

- a. a student's completion of program of study;
- b. whether the program of study was academic or technical;
- c. type of credential (degree, certificate, diploma, baccalaureate);
- d. semester of completion.

B. - G2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, 17:3041.10-3041.15, 17:3041.21-3041.26, R.S. 17:3048.1, and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 and 2002 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 28:775 (April 2002), LR 28:1760 (August 2002), LR 28:2333 (November 2002), LR 30:784 (April 2004), LR 30:1166 (June 2004), LR 31:40 (January 2005), LR 31:3111, 3114 (December 2005), LR 33:1340 (July 2007), LR 35:1233 (July 2009), LR 35:1490 (August 2009), LR 35:1491 (August 2009), LR 36:2857 (December 2010), LR 40:1003 (May 2014).

George Badge Eldredge
General Counsel

1405#011

RULE

Office of the Governor Board of Home Inspectors

Education/Training, Continuing Education, Military Trained Applicants, and Special Investigative Entity
(LAC 46:XL.119, 121, 122, 703, 705 and 707)

The Board of Home Inspectors has amended LAC 46:XL.119, 121, 703, 705 and 707, and adopted Section 122 in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., and the Louisiana Home Inspector Licensing Law, R.S. 37:1471 et seq. The text was amended and adopted to revise the order of the requirements for pre-licensing education, to provide for military trained applicants in accordance with R.S. 9:3650, and to clarify the qualifications and procedure for special investigations.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XL. Home Inspectors

Chapter 1. General Rules

§119. Education/Training and Testing; Initial Licensure

A. - E. ...

F. Prior to admission to an infield training program, the trainee shall complete the required 90 hours of course work described in §119.A.

G. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2741 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1687 (August 2004), LR 35:1519 (August 2009), LR 36:2858 (December 2010), LR 38:2529 (October 2012), LR 40:1003 (May 2014).

§121. Continuing Education; Instructors

A. - B.5. ...

6. The board may approve up to four hours of credit per licensing period for attending a quarterly or special board meeting or for serving on a committee appointed by the board and up to three hours of credit per appointment and six hours per licensing period for acting as a special investigating entity as described in §707.

B.7. - F.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1477 and R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2742 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 36:2860 (December 2010), LR 37:2405 (August 2011), LR 38:2531 (October 2012), LR 40:1003 (May 2014).

§122. Military Trained Applicants

A. Pursuant to R.S. 9:3650 the LSBHI shall issue a license to a military-trained applicant to allow the applicant to lawfully practice home inspection in this state if, upon application to the board, the applicant satisfies all of the following conditions:

1. has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for licensure under these rules;

2. has been actively engaged in the practice of home inspection; and

3. has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice home inspection in this state at the time the act was committed.

B. Notwithstanding any other provision of law, the LSBHI shall issue a license to a military-trained applicant to allow the applicant to lawfully conduct home inspections in this state if, upon application to the board, the applicant holds a current license, certification, or registration from another jurisdiction and that jurisdiction's requirements for licensure are substantially equivalent to or exceed the requirements for licensure under these rules.

C. Notwithstanding any other provision of law, the board shall issue a license to a military spouse to allow the military

spouse to lawfully conduct home inspections in this state, if, upon application to the board, the military spouse satisfies all of the following conditions:

1. holds a current license from another state and that jurisdiction's requirements for licensure are substantially equivalent to or exceed the requirements for licensure in this state;

2. can demonstrate competency in the occupation through methods as determined by the board, such as having completed continuing education units or having had recent experience;

3. has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice home inspection in this state at the time the act was committed;

4. is in good standing and has not been disciplined by the agency that issued the license, certification, or permit in another jurisdiction.

D. In order to obtain a license to practice home inspection in this state, the applicant must make application to the board and provide official evidence that the applicant meets the qualifications set forth in Subsections A or B, above.

E. The board shall issue a temporary practice permit to a military-trained applicant or military spouse licensed in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under the provisions of this Section, if that jurisdiction has licensure standards substantially equivalent to the standards for licensure of the board in this state. The military-trained applicant or military spouse may practice under the temporary permit until a license is granted or until a notice to deny a license is issued in accordance with rules that shall be promulgated by the board.

F. In order to obtain a temporary practice permit, the applicant must make application to the board and provide:

1. a certified copy of the applicant's license issued by another jurisdiction;

2. evidence that the applicant is in good standing and has not been disciplined by the agency that issued the license in another jurisdiction;

3. evidence that the applicant has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice home inspection in this state at the time the act was committed.

G. An individual possessing a temporary practice permit under the provisions of this Section shall receive priority processing of their application for license in accordance with these rules.

H. Nothing in this Section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure requirements established by the board.

I. The provisions of this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

J. The provisions of this Section shall not apply to a license issued and regulated under the authority of the judicial branch of government.

AUTHORITY NOTE: Promulgated in accordance with Act 276 of the 2012 Legislative Session, R.S. 37:3650 and R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Home Inspectors, LR 40:1003 (May 2014).

Chapter 7. Disciplinary Actions

§703. Complaints

A. - C. ...

D. The complaint shall refer to specific violations of these rules or of the Home Inspector Licensing Law. If the complaint involves violations of the standards of practice that the licensee did not observe or report, a list of those items must be submitted with the complaint along with the corresponding violation of the standards of practice. A copy of any documentation supporting the allegations shall be filed with the complaint, if available, including but not limited to, photographs, the pre-inspection agreement, the inspection report, and any reports made by any other consultant.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1483, and R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004), LR 40:1004 (May 2014).

§705. Special Investigating Entity

A. For all complaints filed pursuant to §703.A, the board shall appoint a committee, employee, or other qualified licensee to verify whether the allegations listed in the complaint may indicate violations of these rules, the standards of practice, Code of Ethics or the Home Inspector Licensing Law. This committee, employee or licensee shall be referred to as the "special investigating entity" or "SIE." The chairman may appoint an SIE at any time to commence review of a complaint. This appointment shall be ratified by the board in executive session at its next meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004), LR 40:1004 (May 2014).

§707. Investigations; Special Investigating Entity; Board Review

A. Upon receipt of a complaint filed pursuant to §703.A and conforming with this Chapter, the board shall assign a docket number to the complaint and refer it to an SIE. Any individual or member of a committee appointed to serve as an SIE shall:

1. have been a Louisiana licensed home inspector for at least three years prior to the appointment;

2. be current on all continuing education, fees and other requirements for licensure;

3. have no pending complaints against him; and

4. have performed over 300 home inspections pursuant to this Chapter.

B. ...

C. The SIE shall make an investigation of the charges and responses, with the sole purpose of determining whether or not the allegations listed in the complaint indicate a violation of these Rules or the Home Inspector Licensing Law. The SIE shall not visit or inspect the property at issue during the investigative process, but may contact the parties involved, and any third parties, to request any further

information or documentation needed to conduct the investigation. The SIE may review photographs, reports, correspondence and other documentation submitted by any party or third party in conducting the investigation. The SIE shall prepare a report of its findings within 30 days of the completion of the investigation, and file the report with the board.

D. A copy of the report of the SIE shall be mailed by the COO to the complainant and to the respondent by certified mail. The report shall contain:

1. the docket number;
2. the names of the parties involved;
3. a list of the documents reviewed in connection with the investigation; and
4. a list of the persons contacted in connection with the investigation and the manner in which that contact was made (e.g. telephone, email, mail, etc..).

E. The report shall state whether each specific allegation of the complaint has or lacks sufficient evidence to meet the threshold for a hearing before the board.

F. If the report states that any or all allegations of the complaint lack sufficient evidence to indicate a violation of these rules or the licensing law, the chief operating officer shall advise the complainant and respondent in writing that the evidence was insufficient to support a particular or all allegations in the complaint. The chief operating officer shall also advise the complainant and respondent that, in order for the lacking allegations of the complaint to be reviewed by the board, the complainant must make a written request for review by the board within 15 days of mailing of the report, must support the complaint with additional documentation and must set forth specific reasons why the SIE's determination on each allegation is incorrect.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004), LR 36:2863 (December 2010), LR 40:1004 (May 2014).

Albert J. Nicaud
Board Attorney

1405#007

RULE

Department of Health and Hospitals Addictive Disorder Regulatory Authority

Certified Addiction Counselor
Registered Addiction Counselor
(LAC 46:LXXX.703 and 705)

The Department of Health and Hospitals, Addictive Disorder Regulatory Authority (ADRA), has amended LAC 46:LXXX.703 and 705 as authorized by R.S. 37:3387.1(F), R.S. 37:3387.2(B), 37:3387.2(F), and R.S. 37:3388.4(A)(5) and (12). These amendments are promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXX. Substance Abuse Counselors

Chapter 7. Credentials for License/ Certification/Registration

§703. Certified Addiction Counselor (CAC)

A. - A.12. ...

B. The scope of practice for the CAC shall include the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle. The CAC may not practice independently and may not render a diagnostic impression. The scope shall also include making referrals to appropriate professionals, providing counseling to family members and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3387.1(B) and (F) and R.S. 37:3388.4(A)(5) and (12).

HISTORICAL NOTE: Promulgated by the Department of and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:649 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 40:1005 (May 2014).

§705. Registered Addiction Counselor (RAC)

A. - A.11. ...

B. The scope of practice for the RAC shall include the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle. The RAC may not practice independently and may not render a diagnostic impression. The scope shall also include making referrals to appropriate professionals, providing counseling to family members and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3387.2(B) and (F) and R.S. 37:3388.4(A)(5) and (12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:650 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 40:1005 (May 2014).

LaMiesa Bonton
Executive Director

1405#008

RULE

Department of Health and Hospitals Board of Dentistry

Procedural Requirements (LAC 46:XXXIII.1809)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.1809.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 18. Criminal History Records Information

§1809. Procedural Requirements

A. - C. ...

D. All background check results shall be valid for a period of six months or until the license is issued, whichever is earlier.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(6), (8) and 37:763.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1780 (August 2002), amended LR 39:86 (January 2013), LR 40:1006 (May 2014).

Peyton B. Burkhalter
Executive Director

1405#020

RULE

**Department of Health and Hospitals
Board of Dentistry**

Standard Precautions (LAC 46:XXXIII.1202 and 1203)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.1202 and 1203.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 12. Transmission Prevention of Hepatitis B Virus, Hepatitis C Virus, and Human Immunodeficiency Virus

§1202. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

* * *

Standard Precautions—those generally accepted infection control practices defined by the Federal Centers for Disease Control as *standard precautions* in addition to proper hygiene by the dental health care provider; the use of personal protective equipment including, but not limited to, gloves, masks, eye protection, and gowns; proper cleaning and decontamination of patient care equipment; cleaning and disinfection of environmental surfaces and injury prevention through engineering controls or safer work practices.

* * *

Universal Precautions—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:741 (July 1992), amended LR 21:572 (June 1995), LR 40:1006 (May 2014).

§1203. Standard Precautions

A. All dental health care providers shall strictly observe recognized standard precautions as currently recommended by the Federal Centers for Disease Control to minimize the risk of transmission of HBV, HCV or HIV or other blood borne pathogens during any patient encounter with a patient's bodily fluids.

B. In the event that the Federal Centers for Disease Control issue a new version of their recommendations for standard precautions, the board will take into consideration the nature of the changes to those recommendations and establish a reasonable period of time in which dental health care providers must comply with any new or altered recommendations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:742 (July 1992), amended LR 21:572 (June 1995), LR 40:1006 (May 2014).

Peyton B. Burkhalter
Executive Director

1405#019

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing**

Adult Dentures Program
Reimbursement Rate Reduction
(LAC 50:XXV.701)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:XXV.701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXV. Adult Dentures

Chapter 7. Reimbursement

§701. Fees

A. - C. ...

D. Effective for dates of service on or after August 1, 2013, the reimbursement for adult denture services shall be reduced by 1.5 percent of the fee amounts on file as of July 31, 2013.

1. Removable prosthodontics shall be excluded from the August 1, 2013 reimbursement rate reduction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:81 (January 2005), repromulgated LR 31:1589 (July 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:316 (February 2013), LR 40:1006 (May 2014).

Kathy H. Kliebert
Secretary

1405#057

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing**

Early and Periodic Screening, Diagnosis and Treatment
Dental Program
Reimbursement Rate Reduction
(LAC 50:XV.6905)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:XV.6905 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis and Treatment

Chapter 69. Dental Services

§6905. Reimbursement

A. - J. ...

K. Effective for dates of service on or after August 1, 2013, the reimbursement fees for EPSDT dental services shall be reduced by 1.5 percent of the rate on file July 31, 2013, unless otherwise stated in this Chapter.

1. The following services shall be excluded from the August 1, 2013 rate reduction:

- a. removable prosthodontics; and
- b. orthodontic services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:1138 (June 2007), amended LR 34:1032 (June 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1890 (September 2009), LR 36:2040 (September 2010), LR 37:1598 (June 2011), LR 39:1048 (April 2013), LR 40:1007 (May 2014).

Kathy H. Kliebert
Secretary

1405#058

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing**

Home and Community-Based Services Providers
Licensing Standards (LAC 48:I.5001, 5003, and 5055)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 48:I.5001-5003 and §5055 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2120.2. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

**Chapter 50. Home and Community-Based Services
Providers Licensing Standards**

Subchapter A. General Provisions

§5001. Introduction

A. - C.7. ...

D. The following entities shall be exempt from the licensure requirements for HCBS providers:

1. any person, agency, institution, society, corporation, or group that solely:

- a. ...
- b. provides sitter services; and/or

1.c. - 6....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2120.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:63 (January 2012), amended LR 38:1410 (June 2012), LR 40:1007 (May 2014).

§5003. Definitions

* * *

Sitter Services—

1. services provided by a person who:

- a. spends time with an individual;
- b. accompanies such individual on trips and outings;
- c. prepares and delivers meals to such individual; or
- d. provides housekeeping services.

2. Any person who provides sitter services shall not provide hands-on personal care attendant service with respect to ADLs to the individual.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2120.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:64 (January 2012), amended LR 40:1007 (May 2014).

Subchapter F. Provider Responsibilities

§5055. Core Staffing Requirements

A. - A.2. ...

B. Administrator Qualifications

1. The administrator shall be a resident of the state of Louisiana and shall have a high school diploma or equivalent, and shall meet the following requirements:

a. have a bachelor's degree, plus a minimum of four years of verifiable experience working in a field providing services to the elderly and/or persons with developmental disabilities; or

b. have a minimum of six years of verifiable experience working in a health or social service related business, plus a minimum of four additional years of verifiable experience working in a field providing services to the elderly and/or persons with developmental disabilities.

B.2. - M.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2120.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:79 (January 2012), amended LR 40:1007 (May 2014).

Kathy H. Kliebert
Secretary

1405#059

RULE

Department of Health and Hospitals Bureau of Health Services Financing

LaCHIP Affordable Plan
Dental Program
Reimbursement Rate Reduction
(LAC 50:III.20509)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:III.20509 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XXI of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 11. State Children's Health Insurance Program

Chapter 205. Louisiana Children's Health Insurance Program (LaCHIP)—Phase V

§20509. Dental Services Reimbursement Methodology

A. - C. ...

D. Effective for dates of service on or after August 1, 2013, the reimbursement fees for LaCHIP Affordable Plan dental services shall be reduced by 1.5 percent of the rate on file July 31, 2013, unless otherwise stated in this Chapter.

1. The following services shall be excluded from the August 1, 2013 rate reduction:

- a. removable prosthodontics; and
- b. orthodontic services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XXI of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1285 (May 2013), amended LR 40:1008 (May 2014).

Kathy H. Kliebert
Secretary

1405#060

RULE

Department of Health and Hospitals Office of Public Health

Mobile Food Establishments
(LAC 51:XXIII.4513 and 4523)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer acting through the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:4(A)(1)(a), R.S. 40:5, and R.S. 40:5.3, amends and revises LAC Title 51

(*Public Health—Sanitary Code*), Part XXIII (Retail Food Establishments), by effecting changes as outlined below.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XXIII. Retail Food Establishments

Chapter 45. Mobile Food Establishments, Mobile Retail Food Stores/Markets and Pushcarts

[formerly paragraph 22:34-3]

§4513. Issuance of Permits

[formerly paragraph 23:126-1]

A. Any person desiring to operate a mobile food establishment, mobile retail food store/market or pushcart shall make written application for a permit on forms provided by the Office of Public Health. Such application shall include the name and address of each applicant, the day(s), time(s), and location(s) of operation, and type of the proposed mobile food establishment, mobile retail food store/market, or pushcart, and the signature of each applicant. When using a commissary or other fixed food establishment owned by a permit holder other than the mobile food establishment permit holder, the mobile food establishment shall provide a signed and dated agreement with the commissary or other fixed food establishment.

B. Upon re-application for a current permit to operate, the mobile food establishment owner shall provide a current agreement with the commissary or other fixed food establishment and any changes in day(s), time(s), and location(s) of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:337 (February 2002), amended LR 28:1430 (June 2002), LR 40:1008 (May 2014).

§4523. Base of Operations/Commissary

[formerly paragraphs 23:122, 23:123, and 23:124]

A. Mobile food establishments, mobile retail food stores/markets and pushcarts shall operate from a commissary or other fixed food establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.

B. The commissary or other fixed food establishments used as a base of operation for mobile food establishments, mobile retail food stores/markets, or pushcarts shall be constructed, permitted, and operated in compliance with the requirements of this Part.

C. Servicing Area

1. A servicing area shall be provided. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies.

2. The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

3. Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.

4. The liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal system in accordance with §2901 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:337 (February 2002), amended LR 28:1431 (June 2002), LR 40:1008 (May 2014).

Kathy H. Kliebert
Secretary

1405#063

RULE

Department of Health and Hospitals Office of Public Health

Shellstock Refrigeration (LAC 51:IX.323, 329, and 333)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer acting through the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:4(A)(1)(a), R.S. 40:5, and R.S. 40:5.3, has amended and revised LAC Title 51 (*Public Health—Sanitary Code*), Part IX (Marine and Fresh Water Animal Food Products), by effecting changes as outlined below. Besides the enhanced protection of public health afforded to the public by the adoption of this Rule, these amendments will also allow Louisiana-produced shellstock to continue to be placed in interstate commerce.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part IX. Marine and Fresh Water Animal Food Products

Chapter 3. Preparation and Handling of Seafood for Market

§323. Tags [formerly paragraph 9:051]

A. - B.6.b. ...

C. The color of a tag placed on a container holding shellstock shall have the following meanings.

1. A white-colored tag indicates that the shellstock has met the time/temperature requirements of §329.A for raw (half shell) consumption in both interstate and intrastate commerce.

2. A fuchsia-colored (pinkish-purple) tag indicates that the shellstock has met the time/temperature requirements of §330.A for raw (half shell) consumption in intrastate commerce only (i.e., may be sold for raw consumption only by persons within the state of Louisiana).

3. A green-colored tag indicates that the shellstock is for shucking by a certified dealer or post-harvest processing only.

4. A blue-colored tag indicates that the shellstock has been post-harvest processed by a certified dealer and may now be sold for raw (half shell) consumption in both interstate and intrastate commerce.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 28:1591 (July 2002), LR 33:850 (May 2007), LR 40:1009 (May 2014).

§329. Refrigeration Requirements for Shellstock Harvested for Raw Consumption during the Months of January through December [formerly paragraph 9:052-1]

A. - A.3. ...

B. For shellstock harvested for raw consumption, harvesters will adhere to the applicable time and temperature controls as established by the *Vibrio vulnificus* control plan in this Section developed by the Office of Public Health Molluscan Shellfish Program. The harvester must provide harvest records to the original shellfish dealer demonstrating compliance with the applicable time and temperature requirements. This record may be in the form of a harvester tag, trip record, or other record deemed appropriate by the Office of Public Health Molluscan Shellfish Program. The record must include the date and time harvest begins for each lot of shellfish harvested. The harvester shall document the time harvest begins for each lot prior to harvest and shall immediately document the time each lot is placed under refrigeration. The harvester shall properly attach a shellstock tag on all containers holding shellstock, with the corresponding lot identification, number or character printed legibly on the shellstock tag, prior to being placed under refrigeration. This tag shall be approved by the state health officer and the secretary of the Louisiana Department of Wildlife and Fisheries. It shall also be the responsibility of the harvester to record the number of sacks contained within each lot immediately after oysters are placed under refrigeration. Harvest vessels equipped with refrigeration capabilities must provide documentation to the original dealer that the time and temperature requirements established by the *Vibrio vulnificus* control plan developed by the Office of Public Health Molluscan Shellfish Program (see §329.A) have been met.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR 36:1016 (May 2010), LR 38:2789 (November 2012), LR 40:1009 (May 2014).

§333. General Provisions [formerly paragraph 9:052-3]

A. ...

B. If a harvester elects to fish shellstock intended for raw (half shell) consumption during the months of March-November, it shall be unlawful to possess shellstock intended for shucking, post-harvest processing, relaying or bedding until all shellstock harvested for raw (half shell) consumption are off-loaded dockside. However a harvester may fish shellstock for shucking and post-harvest processing at the same time when fishing shellstock for raw (half shell) consumption provided that the refrigeration and time/temperature requirements for raw (half shell) consumption are followed for the entire harvest (i.e., all harvested shellstock on board shall meet the time/temperature requirements of §329.A of this Part).

C. - H.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(20)(21), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1309 (June 2002), amended LR 28:1592 (July 2002), repromulgated LR 29:173 (February 2003), amended LR 34:2176 (October 2008), LR 38:97 (January 2012), LR 40:1009 (May 2014).

Kathy H. Kliebert
Secretary

1405#062

RULE

**Department of Natural Resources
Office of Coastal Management**

Mitigation (LAC 43:1.724)

Under the authority of R.S. 49:214.21-49:214.41 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Coastal Management has amended LAC 43:1.724 relative to the rules and procedures for mitigation.

This Rule is intended to remove extraneous information and is not a substantive change.

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

Subpart 1. General

Chapter 7. Coastal Management

Subchapter C. Coastal Use Permits and Mitigation

§724. Rules and Procedures for Mitigation

A. - E.1.b. ...

c. monetary contribution to the Louisiana Wetlands Conservation and Restoration Fund (coastal mitigation account), pursuant to §724.I; and

E.1.d. - K.7.c.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.41.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 21:835 (August 1995), amended by the Department of Natural Resources, Office of Coastal Management, LR 39:1474 (June 2013), LR 39:2775 (October 2013), LR 40:88 (January 2014), LR 40:1010 (May 2014).

Stephen Chustz
Secretary

1405#014

RULE

**Department of Public Safety and Corrections
Corrections Services**

Disciplinary Rules and Procedures for Adult Offenders
(LAC 22:I.341)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, has amended

the contents of Section 341, Disciplinary Rules and Procedures for Adult Offenders.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 3. Adult Services

**Subchapter B. Disciplinary Rules and Procedures for
Adult Offenders**

**§341. Disciplinary Rules and Procedures for Adult
Offenders**

A. - F.1.a.i.(a).(iii).[a].[iii]. ...

[a].[iv]. the date and approximate time of the offense; and

(a).(iii).[a].[v]. - (c). ...

(d). In instances when an offender is placed in administrative segregation for disciplinary purposes, the supervisor will conduct a review of the documentation to ensure it is complete and correct and, as needed, investigate to confirm the reasonableness of the allegation or circumstances prompting the assignment. This shall be done prior to the conclusion of the supervisor's tour of duty.

(e). Time spent in administrative segregation for the offense for which the offender was placed in administrative segregation must be credited against disciplinary detention or extra duty sentences even when these sanctions are suspended. Credit will not be given for time spent in administrative segregation based upon a request for protection or while an offender is awaiting transfer to another area.

(f). An appropriate review board should review the status of offenders who are in administrative segregation at least every seven days for the first two months and every 30 days thereafter.

F.1.a.ii.(a). ...

(b). Confirmation that the offender was advised of the charges shall be noted on the original of the disciplinary report by evidence of the offender's signature.

(c). If the offender refuses to sign the disciplinary report, the delivering officer shall note the refusal in the offender signature block and initial the box.

b. - b.ii. ...

iii. Counsel substitutes are only those offenders appointed by the warden or designee to assist other offenders with their legal claims, including but not limited to, assistance with filing of administrative remedy procedure requests, disciplinary board appeals and lost property claims. Counsel substitutes are not required to file disciplinary appeals but should inform the offender who wants to appeal of the proper way to file. They may be removed from their positions if the warden or designee believes it appropriate. Offenders who are not counsel substitutes may not provide services to other offenders without the approval of the warden or designee.

G. - G.3.c. ...

i. Any offender who is placed in administrative segregation for a rule violation must be given a disciplinary hearing within 72 hours of being placed in administrative segregation. Official holidays, weekends, genuine emergencies and good faith efforts by the administration to provide a timely hearing are the only exceptions. The offender must be heard at the next available court date.

When it is not possible to provide a full hearing within 72 hours of placement in administrative segregation, the accused must be brought before the disciplinary board, informed of the reasons for the delay and remanded back to administrative segregation or released to his quarters after a date for a full hearing has been set.

G.3.c.ii. - K.2.c. ...
* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:823, *Wolff v. McDonnell*, 94 S.Ct. 2963 (1974), *Ralph v. Dees*, C.A. 71-94, USDC (Md. La.) and *Sandin v. Conner*, 115 S.Ct. 2293 (1995).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 27:413 (March 2001), amended by the Department of Public Safety and Corrections, Corrections Services, LR 34:2194 (October 2008), LR 39:3309 (August 2013), LR 40:1010 (May 2014).

James M. LeBlanc
Secretary

1405#018

RULE

Department of Transportation and Development Office of Engineering

Access Connection Permits (LAC 70:I.Chapter 15)

In accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:750 et seq., and through the authority granted in R.S. 48:344, that the Department of Transportation and Development, Office of Engineering has amended LAC 70:I.Chapter 15, entitled "Access Connection Permits," to allow the department more flexibility in issuing access connection permits to the public.

Title 70

TRANSPORTATION

Part I. Highway Construction

Chapter 15. Access Connection Permits

§1513. Process for Acquiring an Access Permit

A. - B. ...

C. At the direction of the DOTD district office, a request for an access connection permit may require the submission of any required supporting documentation to the DOTD district office. Actual work on an access connection shall not begin until the application has been approved by the DOTD. Required permit application supporting documentation may include some or all of the following:

1. detailed property location, including but not limited to:
 - a. location address;
 - b. legal property description (with professional land surveyor stamp);
 - c. property frontage dimensions;
 - d. relative locations of all access connections, intersecting streets, signals, railways, and crossovers within a specified distance from the property lines. This distance shall be specified by the DOTD district engineering administrator (DA) and/or DTOE;
 - e. information on any nearby or adjacent properties owned and/or controlled by the applicant(s), including anticipated future land use(s);
 - f. posted speed limit of adjacent roadways;

2. right-of-way information, including but not limited to:

- a. measured rights-of-way for the subject property;
- b. easements (utility, drainage, etc.) and locations of same;
- c. known existing access restrictions;
- d. property lines;
- e. right-of-way widths for all adjacent roadways (state, parish, local, private, etc.);

3. proposed site plan drawing, fully dimensioned to-scale on 11" x 17" or 24" x 36" paper, showing all, but not limited to, the following:

- a. existing roadway alignment for all adjacent roadways;
- b. requested access connection location;
- c. distance from requested access connection to nearest property line(s) and nearest intersecting roadways (in all directions along the roadway from the subject property);
- d. distance from right-of-way to all buildings, structures, gas pumps, etc. on the proposed site;
- e. plan for internal parking, drives, traffic flow patterns, traffic control devices, markings, truck/service vehicle routing, emergency access, etc. Autoturn or similar analysis must be shown for adequate design vehicle(s);
- f. detailed geometry of proposed access connection (width, radii, lane use, etc.) must conform to DOTD standard plans. Autoturn or similar analysis must be shown for adequate design vehicle(s);
- g. detailed pavement design of proposed access connection (base type and thickness, pavement thickness, curb treatment, etc.);
- h. sidewalk and ADA ramps, where required;
- i. proposed treatment of right-of-way area between and adjacent to proposed and existing access connection(s);
- j. sight distance triangles for proposed access connection;

4. temporary traffic control plan for work within the right-of-way (see Section entitled Construction Requirements);

5. railroad crossing permit (see Section entitled Railroad Crossings);

6. copies of permits obtained for access and building rights from local authorities;

7. permanent signing and pavement marking plans which conform to DOTD standards and the most current edition of the manual on uniform traffic control devices;

8. detailed plans of required or proposed mitigation (turn lanes, etc.);

9. additional information, drawings, or documents as required by the district engineer administrator or his/her designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:348 (January 2011), amended by the Office of Engineering, LR 40:1011 (May 2014).

§1515. Permit Conditions

A. - C. ...

D. The applicant may be required to post a bond in order to secure an access connection permit. If required, this bond shall be posted in accordance with DOTD policy, and shall be an amount as identified by the DOTD district office as sufficient to cover the expenses of all work or improvements

required within the DOTD right-of-way as a condition of an access connection permit. The cost of restoration shall be borne by the applicant.

E. - F. ...

G. After having been constructed, access connection(s) shall at all times be subject to inspection with the right reserved to require changes, additions, repairs, and relocations at any time considered necessary to permit the location and/or to provide proper and safe protection to life and property on or adjacent to the highway. The cost of making such mandated changes, additions, repairs, and relocations shall be borne by the applicant.

H. The relocations or alterations of any access, approach, or other improvement constructed on the right-of-way shall require a re-evaluation of the access connection(s).

I. If the applicant is unable to commence construction within 12 months of the permit issue date, the applicant may request a six month extension from the DOTD. No more than two six-month extensions may be granted under any circumstances. If the access connection is not constructed within 24 months from the permit issue date, the permit shall be considered expired. Any person wishing to reestablish an access connection permit that has expired shall begin again with the application procedures.

J. When the adjacent highway is under construction, a letter of no objection shall be obtained from the highway contractor before the application can be approved and the permit can be issued. A copy of this letter shall be attached to the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:349 (January 2011), amended by the Office of Engineering, LR 40:1011 (May 2014).

§1519. Permit Reapplication and Modifications to Existing Commercial Access Connections

A. ...

B. If the property is reconstructed/remodeled/redeveloped, the owner shall submit a request for a re-evaluation of the access connection(s). The re-evaluation shall contain all necessary information and documentation as required by DOTD in accordance with its policies, as well as a copy of the old access connection permit.

C. If the property owner reconstructs the access connection, a request for re-evaluation shall be submitted. The DOTD reserves the right to make changes to the original permit during this process in order to improve safety and operations.

D. If DOTD road maintenance and/or construction operations affect the condition or necessitate the reconstruction, improvement, modification, or removal of an existing access connection, a re-evaluation of the access connection geometrics, location, etc. may be performed by the district traffic operations engineer. The access connection permit may be re-issued according to the most current DOTD standards, and DOTD reconstruction efforts shall follow these standards. The cost to reconstruct the access connection to the right-of-way shall be borne by the DOTD. Any additional costs to improve on-site conditions may be borne by the property owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:349 (January 2011), amended by the Office of Engineering, LR 40:1012 (May 2014).

§1521. Access Connection Requirements

A. - A.2. ...

a. Full access should not be granted within the functional influence area of the intersection. The influence area shall be required by DOTD in accordance with its policies. For purposes of this Chapter, the functional influence area of an intersection shall be defined as the area beyond the physical intersection of two roadways and/or access connection points that:

i. comprises decision and maneuvering distances;

ii. comprises any required vehicle storage lengths, either determined by length of existing storage lanes, observed queue lengths, or anticipated post-development queue lengths, all as determined by the district traffic operations engineer;

iii. includes the length of road upstream from an oncoming intersection needed by motorists to perceive the intersection and begin maneuvers to negotiate it.

3. ...

4. If the subject property is located at the intersection of two routes, an access connection may be permitted on both routes however, one must be limited to right-in/right-out access. The determination of the access connection locations and restrictions on each shall be at the discretion of the DOTD according to this rule and other applicable DOTD policies.

5. The applicant shall provide sufficient on-site circulation to ensure the safe ingress and egress of vehicles on the site. This on-site circulation shall be contained within the owner's property boundaries and shall not encroach upon the right-of-way in any way. Adequate on-site vehicle storage shall be provided in order to prevent any overflow of queued/waiting traffic in the travel lane(s) of the adjacent roadway(s).

A.6. - B. ...

1. Each property or group of adjacent properties with a single owner or development plan should be granted no more than one access point, unless Paragraphs 4 and 5 of this Section are completed and approved. The DOTD reserves the right to limit access to adjacent properties to those access connections which already exist. All properties shall receive adequate access, but that may be accomplished through required access sharing with a neighboring property.

2. ...

3. If shared access is required by the DOTD, a copy of the shared access agreement shall be submitted to the DOTD as part of the driveway permit and shall be signed by all involved property owners.

C. - D. ...

E. Gates, fences, signage, landscaping, or other decorative or access-control features (i.e. gated subdivision) shall not be located within the right-of-way. Any such access-control feature shall be located so that a minimum storage of two vehicles (50' storage length minimum unless greater distances are required by DOTD) is provided outside of the limits of the right-of-way. Gated access shall not be permitted as an approach to a traffic signal.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:350 (January 2011), amended by the Office of Engineering, LR 40:1012 (May 2014).

§1525. Access Connections—Spacing and Sharing

A. ...

B. A minimum spacing as defined in DOTD policy should be maintained between access connections. If frontage is not available to maintain minimum spacing of access connections, the DOTD reserves the right to require adjacent property owners to share a single access connection.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:351 (January 2011), amended by the Office of Engineering, LR 40:1013 (May 2014).

§1529. Access Connections on Roadways with Medians

A. On roadways with center medians of any type, access connections should not be permitted to align with median cuts or crossovers, and should be located as far from these cuts and crossovers as possible within property limit constraints.

B. ...

C. All access on roadways with medians may be restricted to right-in/right-out movements only, and, if required, shall be constructed in such a way as to prevent any other movements. This shall apply to both residential and commercial access.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:351 (January 2011), amended by the Office of Engineering, LR 40:1013 (May 2014).

§1531. Design Requirements

A. ...

B. All traffic generator access connections shall be constructed with permanent hard surface type materials (i.e. asphalt or concrete) for a distance as required by DOTD in accordance with its policies. Aggregate access connections shall not be permitted within the right-of-way for these types of connections.

C. All entrances and exits shall be located so that drivers approaching or using them will have adequate sight distance in all directions along the highway in order to maneuver safely and without interfering with traffic. Minimum required sight distance shall be calculated using the methods required by DOTD in accordance with its policies.

D. All access connections shall be designed and constructed in accordance with all DOTD plans and specifications regarding drainage requirements. Culvert sizes, proposed elevations and proposed slopes shall be approved by the DOTD prior to issuance of an access

connection permit. The DOTD may require a drainage study to be performed at the expense of the applicant.

E. Access connections shall be constructed according to DOTD standard plans and other applicable policies and provision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:351 (January 2011), amended by the Office of Engineering, LR 40:1013 (May 2014).

§1533. Construction Requirements

A. - D. ...

E. The services of an independent DOTD-approved inspector may be required to inspect the construction of all DOTD-required improvements in the DOTD right-of-way. The inspection process shall be in accordance with current DOTD policy. The DOTD district office may elect to perform independent inspections of work. Satisfactory completion and acceptance of the improvements by DOTD will be based upon the reports received from the inspector(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:352 (January 2011), amended by the Office of Engineering, LR 40:1013 (May 2014).

§1535. Improvements to the Adjacent Transportation System

A. ...

B. Mitigation, which may be required by the DOTD, may be determined through a complete traffic impact study and/or traffic signal study review process. Required mitigation shall be reviewed by the district engineer administrator. Any required mitigation shall be noted on the permit(s), as required by DOTD in accordance with its policies, and bond amounts shall be appropriate for such mitigation, if required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:352 (January 2011), amended by the Office of Engineering, LR 40:1013 (May 2014).

§1541. Appeals Process

A. ...

B. Appeals shall be filed in accordance with the DOTD appeals policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:352 (January 2011), amended by the Office of Engineering, LR 40:1013 (May 2014).

Sherri H. LeBas
Secretary

1405#015

Notices of Intent

NOTICE OF INTENT

Department of Children and Family Services Economic Stability Section

Use of TANF Benefits (LAC 67:III.1259 and 5351)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:III, Subpart 2, Family Independence Temporary Assistance Program (FITAP), Chapter 12, Subchapter B, Section 1259 and Subpart 13, Kinship Care Subsidy Program (KCSP), Chapter 53, Subchapter B, Section 5351. Adoption is pursuant to the authority granted to the department by Louisiana's Temporary Assistance for Needy Families (TANF) block grant.

Sections 1259 and 5351 are being amended to prevent the use of cash assistance provided under the FITAP and KCSP programs from being used in any electronic benefit transfer (EBT) transaction at certain types of retailers and establishments or at any retailer for the purchase of jewelry.

The proposed Rule is aimed at preventing TANF transactions at certain types of retailers or establishments determined to be inconsistent with the purpose of TANF, which is to provide cash assistance to eligible families to help pay for ongoing basic needs, such as food, shelter, and clothing.

This action was made effective by an Emergency Rule dated and effective April 21, 2014.

Title 67

SOCIAL SERVICES

Part III. Economic Stability

Subpart 2. Family Independence Temporary Assistance Program

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§1259. Use of FITAP Benefits

A. FITAP benefits shall not be used in any electronic benefit transfer transaction in:

1. any liquor store;
2. any gambling casino or gaming establishment;
3. any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment purposes, any adult bookstores, any adult paraphernalia store, or any sexually oriented business;
4. any tattoo, piercing, or commercial body art facility;
5. any nail salon;
6. any jewelry store;
7. any amusement ride, amusement attraction, or video arcade;
8. any bail bonds company;

9. any night club, bar, tavern, or saloon;
10. any cruise ship;
11. any psychic business; or
12. any establishment where persons under age 18 are not permitted.

B. FITAP benefits shall not be used in any electronic benefit transfer transaction at any retailer for the purchase of:

1. an alcoholic beverage as defined in R.S. 14.93.10(3);
 2. a tobacco product as defined in R.S. 14.91.6(B);
 3. a lottery ticket as defined in R.S. 47:9002(2);
- or
4. jewelry.

C. For purposes of this Section, the following definitions and provisions apply.

1. The term *liquor store* is defined as any retail establishment that sells exclusively or primarily intoxicating liquor. It does not include a grocery store that sells both intoxicating liquor and groceries, including staple foods.

2. The terms *gambling casino* and *gaming establishment* do not include a grocery store that sells groceries, including staple foods, and that also offers, or is located within the same building or complex as casino, gambling, or gaming activities, or any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

3. The term *electronic benefit transfer transaction* means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.

4. The term *commercial body art facility* is defined as any location, place, area, or business whether permanent or temporary, which provides consumers access to personal services workers who for remuneration perform any of the following procedures:

a. tattooing or the insertion of pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce an indelible mark or figure visible under the skin;

b. body piercing or the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration; but does not for the purposes of this Part, include piercing an ear with a disposable, single use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear; or

c. the application of permanent cosmetics or pigments under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin, including but not limited to permanent eyeliner, eye shadow, or lip color.

5. *Adult paraphernalia store* is defined as an establishment having a substantial or significant portion of

its stock, including but not limited to, clothing, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement.

6. *Sexually oriented business* is defined as any commercial enterprise that has as its primary business the offering of a service or the sale, rent, or exhibit of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

7. *Nail salon* is defined as a commercial establishment that provides nail services of any kind including, but not limited to trimming, filing, decorating, shaping, sculpting, or in any way caring for the nails and skin of another person's hands or feet together with massaging the hands, arms, legs, and feet.

8. *Jewelry* is defined as consisting of precious stones and/or precious metals worn as adornment or apparel. This includes costume *jewelry*.

9. *Amusement attraction* is defined as any building or structure which provides amusement, pleasure, thrills, or excitement. This includes movie theaters and video arcades. *Amusement attraction* does not include any enterprise principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

10. *Amusement ride* is defined as any mechanized device or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. This includes inflatables.

11. *Bail* is defined as security given by a person to assure his appearance, or a third-party's, before the proper court whenever required.

12. *Bar* is defined as business that holds a class A-general retail permit and the primary purpose of such business is to serve alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets, as further defined by R.S. 1300:253.

13. *Cruise ship* is defined as any commercial ship used for the domestic or international carriage of passengers.

14. *Psychic* is defined as any person or establishment engaged in the occupation of occult science including a fortune-teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader, tea leaf reader, prophet, *psychic* or advisor or who in any other manner claims or pretends to tell fortunes or claims or pretends to disclose mental faculties of individuals for any form of compensation.

D. The FITAP case of a FITAP recipient who is determined to have violated the provisions of this Section shall be closed for the following time periods:

1. 12 months for the first offense;
2. 24 months for the second offense; and
3. permanently for the third offense.

AUTHORITY NOTE: Promulgated in accordance with P.L. 112-96.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 39:3061 (November 2013), amended LR 40:

Subpart 13. Kinship Care Subsidy Program (KCSP) Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§5351. Use of KCSP Benefits

A. KCSP benefits shall not be used in any electronic benefit transfer transaction in:

1. any liquor store;
2. any gambling casino or gaming establishment;
3. any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment purposes, any adult bookstores, any adult paraphernalia store, or any sexually oriented business;
4. any tattoo, piercing, or commercial body art facility;
5. any nail salon;
6. any jewelry store;
7. any amusement ride, amusement attraction, or video arcade;
8. any bail bonds company;
9. any night club, bar, tavern, or saloon;
10. any cruise ship;
11. any psychic business; or
12. any establishment where persons under age 18 are not permitted.

B. KCSP benefits shall not be used in any electronic benefit transfer transaction at any retailer for the purchase of:

1. an alcoholic beverage as defined in R.S. 14.93.10(3);
 2. a tobacco product as defined in R.S. 14.91.6(B);
 3. a lottery ticket as defined in R.S. 47:9002(2);
- or
4. jewelry.

C. For purposes of this Section, the following definitions and provisions apply.

1. The term *liquor store* is defined as any retail establishment that sells exclusively or primarily intoxicating liquor. It does not include a grocery store that sells both intoxicating liquor and groceries, including staple foods.

2. The terms *gambling casino* and *gaming establishment* do not include a grocery store that sells groceries, including staple foods, and that also offers, or is located within the same building or complex as casino, gambling, or gaming activities, or any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

3. The term *electronic benefit transfer transaction* means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.

4. The term *commercial body art facility* means any location, place, area, or business whether permanent or temporary, which provides consumers access to personal services workers who for remuneration perform any of the following procedures:

- a. tattooing or the insertion of pigment under the surface of the skin of a human being, by pricking with a

needle or otherwise, to produce an indelible mark or figure visible under the skin;

b. body piercing or the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration; but does not for the purposes of this Part, include piercing an ear with a disposable, single use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear; or

c. the application of permanent cosmetics or pigments under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin, including but not limited to permanent eyeliner, eye shadow, or lip color.

5. *Adult paraphernalia store* is defined as an establishment having a substantial or significant portion of its stock, including, but not limited to, clothing, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement.

6. *Sexually oriented business* is defined as any commercial enterprise that has as its primary business the offering of a service or the sale, rent, or exhibit of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

7. *Nail salon* is defined as a commercial establishment that provides nail services of any kind including, but not limited to trimming, filing, decorating, shaping, sculpting, or in any way caring for the nails and skin of another person's hands or feet together with massaging the hands, arms, legs, and feet.

8. *Jewelry* is defined as consisting of precious stones and/or precious metals worn as adornment or apparel. This includes costume jewelry.

9. *Amusement attraction* is defined as any building or structure which provides amusement, pleasure, thrills, or excitement. This includes movie theaters and video arcades. *Amusement attraction* does not include any enterprise principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

10. *Amusement ride* is defined as any mechanized device or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. This includes inflatables.

11. *Bail* is defined as security given by a person to assure his appearance, or a third-party's, before the proper court whenever required.

12. *Bar* is defined as business that holds a class A-general retail permit and the primary purpose of such business is to serve alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets, as further defined by R.S. 1300:253.

13. *Cruise ship* is defined as any commercial ship used for the domestic or international carriage of passengers.

14. *Psychic* is defined as any person or establishment engaged in the occupation of occult science including a fortune-teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader, tea

leaf reader, prophet, *psychic* or advisor or who in any other manner claims or pretends to tell fortunes or claims or pretends to disclose mental faculties of individuals for any form of compensation.

D. The KCSP case of a KCSP recipient who is determined to have violated the provisions of this Section shall be closed for the following time periods:

1. 12 months for the first offense;
2. 24 months for the second offense; and
3. permanently for the third offense.

AUTHORITY NOTE: Promulgated in accordance with P.L. 112-96.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 39:3061 (November 2013), amended LR 40:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? This proposed Rule will have no impact on the stability of the family.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? This proposed Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This proposed Rule will have no effect on the functioning of the family.

4. What effect will this have on family earnings and family budget? This proposed Rule will have no effect on the family's earnings or budget.

5. What effect will this have on the behavior and personal responsibility of children? This proposed Rule will have no effect on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, these functions are department functions.

Poverty Impact Statement

The proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Statement

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Public Comments

All interested persons may submit written comments through June 24, 2014, to Lisa Andry, Deputy Assistant Secretary of Programs, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA, 70804-9065.

Public Hearing

A public hearing on the proposed Rule will be held on June 24, 2014, at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call area code (225) 342-4120 (voice and TDD).

Suzy Sonnier
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Use of TANF Benefits

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The Department of Children and Family Services (DCFS) proposes to continue the provisions of the April 21, 2014 emergency rule which amends LAC 67:III, Subpart 2 Family Independence Temporary Assistance Program (FITAP), Chapter 12, Subchapter B, Section 1259—Use of FITAP Benefits and Subpart 13 Kinship Care Subsidy Program (KCSP), Chapter 53, Subchapter B, Section 5351—Use of KCSP Benefits to prevent the use of cash assistance provided under the FITAP and KCSP programs from being used in any electronic benefit transfer (EBT) transaction at certain types of retailers and establishments or at any retailer for the purchase of jewelry.

The proposed rule is aimed at preventing TANF transactions at certain types of retailers or establishments determined to be inconsistent with the purpose of TANF, which is to provide cash assistance to eligible families to help pay for ongoing basic needs, such as food, shelter, and clothing.

The department does not anticipate any increase in the EBT vendor contract as a result of this proposed rule. The only cost associated with this proposed rule is the cost of publishing rulemaking, which is estimated to be approximately \$3,444(\$1,171 SGF and \$2,273 FED) in Fiscal Year 2013-2014.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this proposed rule will have no effect on state or local revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule has penalties for recipients who violate these provisions. The minimum penalty is suspension of benefits for a minimum of 12 months for the first offense and the maximum penalty is permanent suspension of benefits for the third offense.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment.

Brent Villemarette
Deputy Secretary
1405#021

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Office of Business Development**

**Research and Development Tax Credit Program
(LAC 13:I.Chapter 29)**

Under the authority of R.S. 47:6015 and R.S. 36:104, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development proposes to amend LAC 13:I.2901, et seq. relative to the administration of the research and development tax credit program.

The purpose of this regulation is to explain the procedure employed for the administration of the research and development tax credit program under R.S. 47:6015 as

enacted by Act 257 of the 2013 Regular Session of the Legislature. The proposed regulation discusses definitions for the terms professional services firms and custom manufacturing and custom fabricating, discusses what documentation is required for submission to LED for credits, and LED examination criteria.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 29. Research and Development Tax Credit

§2901. Purpose and Application

A. The purpose of this Chapter is to implement the Research and Development Tax Credit Program as established by R.S. 47:6015.

B. This Chapter shall be administered to achieve the following purposes:

1. encourage the development, growth, and expansion of the private sector within the state; and

2. encourage new and continuing efforts to conduct research and development activities within this state.

C. This Chapter shall apply to any person claiming a credit under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6015.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Business Resources Division, LR 30:977 (May 2004), amended by the Office of Business Development, LR 36:1768 (August 2010), amended by the Office of the Secretary, LR 38:350 (February 2012), amended by the Office of Business Development, LR 40:49 (January 2014), LR 40:

§2903. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 51:2353 unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meaning provided in this Section, unless the context clearly requires otherwise.

Affiliate—a company that shares more than 50 percent common ownership or other means of control with respect to another company.

Base Amount—70 percent of the average annual qualified research expenditures within Louisiana during the three preceding taxable years.

Business Component—any product, process, computer software, technique, formula, or invention which is to be held for sale, lease, license, or used in a trade or business of the taxpayer.

Credit Certification—a certification by DED of the amount of the research and development tax credit earned by a person for a particular tax year.

Custom Fabricator or **Custom Manufacturer**—companies that assemble, fabricate, or manufacture parts, equipment, assemblies, vessels, software or other products (“specified item”) in response to specific design criteria and delivery schedule provided by the customer/client.

a. The typical business model acquisition process utilized by custom fabricators and/or manufacturers is as follows:

i. the customer/client providing the custom fabricator and/or manufacturer with the detail specific design

criteria for the specified item in a document generally referred to as a “request for proposal”;

ii. after review and analysis, the custom fabricator and/or manufacturer submits a “proposal” to the customer/client in which they commit to a specific price and delivery schedule to assemble, fabricate, or manufacturer the specified item requested by the customer/client in their request for proposal;

iii. if the proposal is acceptable, the customer/client will generally issue a “purchase order” commitment document to the custom fabricator and/or manufacturer agreeing to the terms of their proposal, and authorizing the custom fabricator or manufacturer to begin work per their proposal; and

iv. although the custom fabricator or manufacturer generally commits to a fixed price to produce the requested item, they have effectively negated most, if not all, material or unusual commercial transaction risks by their ability to analyze the required design criteria before committing to a specific price and delivery schedule within their proposal.

LED—Louisiana Department of Economic Development.

Person—any natural person or legal entity including an individual, corporation, partnership, or limited liability company.

Professional Services Firm—a firm who is primarily engaged in work which requires specialized education, knowledge, labor, judgment, is predominantly mental or intellectual in nature and which may require the holding of a professional license. These types of firms engage in activities which include, but are not limited to, architecture, engineering, legal services and accounting.

Qualified Research Expenses in the State—expenses that are qualified research expenses under 26 U.S.C. §41(b) and meet the following requirements:

a. wages described in 26 U.S.C. §41(b)(2)(A)(i) shall be paid to individuals who are residents of Louisiana and perform their services in Louisiana;

b. supplies described in 26 U.S.C. §41(b)(2)(A)(ii) shall be consumed in Louisiana;

c. expenses for the right to use computers as described in 26 U.S.C. §41(b)(2)(A)(iii) shall be for the use of computers located in Louisiana; and

d. contract research expenses as described in 26 U.S.C. §41(b)(3) shall be for services performed in Louisiana;

e. 26 U.S.C. §41 also excludes expenditures associated with certain activities from the definition of qualified research. These activities include:

i. research conducted after the beginning of commercial production;

ii. activities related to the adaptation of an existing business component to a particular customer’s requirements or needs;

iii. activities related to the reproduction, in whole or in part, of an existing business component from a physical examination of the business component, plans, blueprints, detailed specifications or publically available information with respect to such component;

iv. activities related to management functions or techniques, efficiency surveys, market research, testing or

development, routine data collection or routine testing or inspections for quality controls;

v. research conducted using the social sciences including economics and business management, as well as behavioral sciences, arts and humanities; and

vi. research funded by a contract, grant, or otherwise by another person or governmental entity.

Research and Development Tax Credits—credits against Louisiana income or corporation franchise taxes that are earned by a person pursuant to the provisions of the *Research and Development Tax Credit Program*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6015.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Business Resources Division, LR 30:977 (May 2004), amended by the Office of the Secretary, LR 38:351 (February 2012), amended by the Office of Business Development, LR 40:49 (January 2014), LR 40:

§2904. Type, Amount and Duration of Credit

A. Type. Any taxpayer meeting the following criteria shall be allowed a refundable tax credit to be applied against income and corporation franchise taxes due:

1. employs 50 or more persons (including affiliates) and claims for the taxable year a federal income tax credit under 26 U.S.C. §41(a) for increasing research activities;

2. employs less than 50 persons (including affiliates), and incurs qualified research expenses for the taxable year, as defined in 26 U.S.C. §41(b); and

3. receives a small business innovation research grant, as defined in R.S. 47:6015(D).

B. Amount. The amount of the credit authorized shall be equal to:

1. 8 percent of the difference between the Louisiana qualified research expenses for the taxable year minus the base amount, if the applicant is an entity that employs 100 or more persons (including affiliates); or

2. 20 percent of the difference, between the Louisiana qualified research expenses for the taxable year minus the base amount, if the applicant is an entity that employs 50 to 99 persons (including affiliates); or

3. 40 percent of the state's apportioned share of the taxpayer's qualified research expenses conducted in the state if the applicant is an entity that employs fewer than 50 persons (including affiliates); or

4. 40 percent of the small business innovation research grant award received during the tax year.

C. Duration. No credit shall be allowed for research expenditures incurred or small business innovation research grant funds received after December 31, 2019.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6015.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 36:1768 (August 2010), amended by the Office of the Secretary, LR 38:351 (February 2012), amended by the Office of Business Development, LR 40:50 (January 2014), LR 40:

§2905. Certification of Amount of Credit

A. Prior to claiming a research and development tax credit on any tax return or selling any research and development tax credit, a person must apply for and obtain a credit certification from LED.

B. The application for a credit certification shall be submitted on a form provided by the LED and shall include, but not be limited to the following information:

1. an application fee of \$250, payable to Louisiana Department of Economic Development;

2. appropriate supporting documentation:

a. for taxpayers employing 50 or more residents, a federal income tax return and evidence of the amount of federal research credit for the same taxable year;

b. for taxpayers employing up to 50 residents:

i. either:

(a). a federal income tax return and evidence of the amount of federal research credit for the same taxable year; or

(b). a report by a certified public accountant ("CPA") authorized to practice in Louisiana which comports with the agreed-upon accounting procedures established by LED; and

ii. evidence of the amount of qualified research expenses for the same taxable year;

c. for taxpayers claiming credits based upon the federal small business innovation research grant, evidence of the amount of such grant;

d. the LED may also require documentation, including but not limited to the following, as proof of an expenditure prior to certification:

i. wages:

(a). copy of W-2 for each employee who participates in qualifying research and development activities;

(b). percentage of each employee's salary that is dedicated to qualifying research and development activities; and

(c). Louisiana Workforce Commission quarterly report of wages paid for the company for the third and fourth quarter of the tax year in question;

ii. supplies:

(a). invoices with date of purchase included;

iii. contracted research:

(a). invoices with applicable dates or periods of work; and

(b). contracts for the research to be performed;

e. in order for any research and development project to qualify, the requesting company must identify:

i. the business component that was developed or improved;

ii. the uncertainty that existed in the capability, method or design related to such business component;

iii. how the research was technological in nature; and

iv. the process of experimentation undertaken;

3. the total amount of qualified research expenses and the qualified research expenses in this state;

4. the total number of Louisiana residents employed by the taxpayer and the number of those Louisiana residents directly engaged in research and development;

5. the average wages of the Louisiana resident employees not directly engaged in research and development and the average wages of the Louisiana resident employees directly engaged in research and development;

6. the average value of benefits received by all Louisiana resident employees;

7. the cost of health insurance coverage offered to all Louisiana resident employees;

8. any other information required by LED.

C. LED shall review the application and issue a credit certification in the amount determined to be eligible and provide a copy to the Department of Revenue. The credit certification and the amount of such certification shall be considered preliminary and shall be subject in all respects to audit by the Louisiana Department of Revenue.

D. In order for credits to be awarded, a taxpayer must claim the expenditures within one year after December 31 of the year in which the expenditure was incurred. For example, company A buys a piece of equipment that would qualify for the research and development tax credit on May 15, 2011. In order for company A to receive a credit on that expenditure, the application for credit on that expense must be received by December 31, 2012.

E. Each year LED shall perform a detailed examination of at least 10 percent of all applications received prior to the issuance of credits on such applications.

1. LED shall select applications for examination based on one or more of the following:

a. a random sampling;

b. applicant's business sector; and

c. other selection criteria as determined by LED.

2. Upon notice that their application has been selected for examination, the applicant shall provide all supporting documentation requested by LED to show the amount of qualified expenses for such taxable year.

3. The applicant bears the burden of proving that its activities meet the definition of qualified research under 26 U.S.C. §41(d).

4. LED still retains the right to examine a taxpayer's application after the issuance of credits and any credits disallowed following such examination shall be subject to recovery, recapture or offset.

F. If LED reviews a submission and determines that an applicant is not eligible for tax credits for a tax year, the company shall have six months from the date of disallowance to resubmit additional documentation for reconsideration. LED will not consider any additional documentation after this six month period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6015.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Business Resources Division, LR 30:977 (May 2004), amended by the Office of Business Development, LR 36:1768 (August 2010), LR 40:51 (January 2014), LR 40:

§2911. Recapture of Credits

A. An application for credit certification shall constitute:

1. a consent by the taxpayer that credits granted under this Section, but later disallowed in whole or in part, may be recovered by the secretary of the Department of Revenue from the taxpayer applicant through any collection remedy authorized by the provisions of R.S. 47:6015(G); and

2. a consent by the taxpayer that the Department of Revenue may disclose to LED, any tax information of the taxpayer related to the earning of, or use of research and development tax credits by the taxpayer or any other information required by LED for the effective administration of this program, provided that such tax information, shall remain confidential in the possession of LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6015.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development Services, Business Resources Division, LR 30:978 (May 2004), amended by the Office of the Secretary, LR 38:352 (February 2012), amended by the Office of Business Development, LR 40:52 (January 2014), LR 40:

§2913. Ineligible Businesses

A. For tax years beginning on or after January 1, 2013, the following types of businesses will be ineligible to participate in the program, unless specifically invited by the secretary of LED to:

1. professional services firms that do not have a pending or issued United States patent related to the qualified research expenditures claimed; and

2. businesses primarily engaged in custom manufacturing and custom fabricating that do not have a pending or issued United States patent related to the qualified research expenditures claimed.

B. Only expenditures directly related to the business component for which a professional services firm or business primarily engaged in custom manufacturing or custom fabricating has a pending or issued patent will be eligible for research and development credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6015.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 40:52 (January 2014), amended LR 40:

§2915. Agreed-Upon Accounting Procedures

A. The CPA shall attest under the agreed-upon accounting procedures that the company's activities for each new or improved business component are those that would qualify for research and development credits under the *Internal Revenue Code*.

B. The CPA, CPA firm or an affiliate of the CPA or CPA firm shall not attest to the research and development agreed-upon accounting procedures if:

1. the CPA, CPA firm or affiliate of the CPA or CPA firm performed any other services outside the agreed-upon procedures related to the underlying application for the same tax year. These activities would include all attest and non-attestation services; including, but not limited to identification and quantification analysis, quantified benefits projection, application preparation, etc.; or

2. the CPA, CPA firm or an affiliate of the CPA or CPA firm has any financial interest in the issuance of credits on a company's application.

C. The agreed upon-accounting procedures shall be available to the public as follows:

1. posted on www.louisianaeconomicdevelopment.com;

2. available for viewing during regular business hours at LED offices; and

3. available upon written request from the program administrator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6015.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 40:52 (January 2014), amended LR 40:

Family Impact Statement

The proposed Rule changes have no impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Public Comments

Interested persons may submit written comments to Danielle Clapinski, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804-9185; or physically delivered to Capitol Annex Building, Office of the Secretary, Second Floor, 1051 North Third Street, Baton Rouge, LA, 70802. Comments may also be sent by fax to (225) 342-9448, or by email to danielle.clapinski@la.gov. All comments must be received no later than 10 a.m. on June 25, 2014.

Public Hearing

A public hearing to receive comments on the Notice of Intent will be held on June 25, 2014 at 10 a.m. at the Department of Economic Development, 1051 North Third Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Research and Development Tax Credit Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no incremental costs or savings to state or local governmental units due to the implementation of these rules. The Department of Economic Development intends to administer the program with existing personnel.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Act 257 of the 2013 legislative session provides for the codification of current practice as far as what entities are eligible to receive benefits. LED promulgated rules to address these legislative changes and by accident included the term "personal services firm" in the definition when it intended to use the term "professional services firm". There is no anticipated direct material effect on governmental revenues as a result of this technical change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups because the proposed rule change is a technical change correcting a definition name from "Personal Services Firm" to "Professional Services Firm".

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition or employment because the proposed rule change is a technical change correcting a definition name from "Personal Services Firm" to "Professional Services Firm".

Anne G. Villa
Undersecretary
1405#028

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Division**

Conrad Industries Delisting
(LAC 33:V.105 and 4999)(HW115)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.105 and 4999, Appendix E. (HW115)

This is a resubmittal of HW111, which was published as a proposed Rule on November 20, 2012. The one-year time limit on issuing a final Rule was exceeded.

Conrad Industries Inc. (Conrad) is petitioning to exclude from the hazardous waste regulations (delist) approximately 4,000 tons of aggregate generated and used as fill in 1986. This is a one-time delisting which applies to the particular aggregate used as fill in the "Rim Tide" barge slip located in Amelia, Louisiana.

The delisting program is regulated by LAC 33:V.105.M, which includes a formal rulemaking process. Applicants who wish to exclude a particular waste from the list of hazardous wastes must submit a petition and satisfy all other requirements of LAC 33:V.105.M. The exclusion, if granted, applies only to the 4,000 tons of aggregate used as fill in the "Rim Tide" barge slip area located in Amelia, Louisiana.

LDEQ-USTRD has reviewed Conrad's petition and found that it satisfies the delisting requirements of LAC 33:V.105.M. LDEQ used the delisting risk assessment software (DRAS) in the evaluation of the impact of the petitioned waste on human health and the environment.

Conrad purchased approximately 4,000 tons of aggregate in 1986 for use as fill from Marine Shale Processors, Inc. (MSP). The aggregate was generated as the ash or residue from MSP's incineration of various wastes, including hazardous wastes and contaminated media. LDEQ bases its proposed action to grant the petition on an evaluation of waste-specific information provided by the petitioner. Based on the information submitted by Conrad, the results of the analytical data, and LDEQ's evaluation using DRAS, there was no obvious adverse impact on human health or the environment. Conrad has complied with the delisting requirements as outlined in LAC 33:V.105.M. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

**Subpart 1. Department of Environmental Quality—
Hazardous Waste**

Chapter 49. Lists of Hazardous Wastes

Editor's Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes

(U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).

§4999. Appendices—Appendix A, B, C, D, E, and F
Appendix A. - Appendix D. ...

* * *

Appendix E. Wastes Excluded under LAC 33:V.105.M
A. - B.3.b. ...

* * *

Table 2 – One-Time Wastes Excluded
Conrad Industries, Inc. (Conrad), Morgan City, LA
Hazardous waste incinerator ash was generated as a result of the combustion of hazardous wastes and nonhazardous wastes in a rotary kiln incinerator at Marine Shale Processors (MSP) in Amelia, Louisiana. In 1986, a quantity of the MSP ash was used as fill material for the former slip area at the Conrad Industries, Inc. (Conrad) facility located in Morgan City, Louisiana. For the purpose of this exclusion, MSP generated ash used as fill material by Conrad includes all hazardous waste codes listed in LAC 33:V.4901. This is a one-time exclusion for approximately 4,000 tons of MSP generated ash placed in the former slip area at the Conrad facility in Morgan City, Louisiana, for the purpose of excavation, transportation and disposal in a Subtitle D landfill, or management in place as non-hazardous solid waste pursuant to alternate methods approved by the administrative authority.

Appendix F. ...

A. - B.3, Table 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), repromulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012), LR 40:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW115. Such comments must be received no later than July 2, 2014, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW115. These proposed regulations are available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on June 25, 2014, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Conrad Industries Delisting

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units as a result of implementing this rule change. Conrad Industries, Inc. (Conrad) is requesting a one-time petition to exclude from the hazardous waste regulations (delist) approximately 4,000 tons of ash generated and used as fill in 1986. This delisting applies only to that particular ash used as fill in the former boat slip located on 0.155 acre of land. The purpose of this delisting petition is to facilitate the remediation of the area.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units resulting from this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Conrad Industries will realize a savings of approximately \$1.025 million if this delisting is approved. This is the amount Conrad Industries estimates the company would pay to a hazardous waste company to dispose of the ash if the delisting is not granted and the waste is hazardous in nature. Additionally, Conrad Industries estimates paying contractors \$60,000 - \$600,000 to remediate the site. The low estimate of \$60,000 is based on placing a cover over the existing site and ash. The higher estimate is based on removal and transportation of all 4,000 tons of ash off of the site. These remediation estimates do not include the hazardous waste disposal costs estimated above.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effects on competition are negligible. The remediation activities at this site will involve short-term environmental, laboratory, and construction related employment.

Herman Robinson, CPM
Executive Counsel
1405#024

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Division

Surface Water Quality
(LAC 33:IX.Chapter 11)(WQ088)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1105, 1109 and 1119 (WQ088).

This Rule contains revisions to LAC 33:IX.Chapter 11, that will correct outdated and unclear language in Sections 1109 and 1119. A definition is being removed from Section 1119 and replaced with a more appropriated definition in Section 1105. Other minor changes include correcting punctuation, grammar and misspelled words. This Rule is necessary to update language in the Water Quality regulations that is unclear, outdated or inaccurate. This Rule will also provide consistency in state language. The basis and rationale for this Rule is to enhance and protect the waters of the state. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 11. Surface Water Quality Standards

§1105. Definitions

Degradation—a lowering of water quality, as demonstrated by data analysis, water quality models, or other scientifically defensible method.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 26:2545 (November 2000), LR 29:557 (April 2003), LR 30:1473 (July 2004), amended by the

Office of the Secretary, Legal Affairs Division, LR 33:456 (March 2007), LR 33:827 (May 2007), LR 35:445 (March 2009), amended by the Office of the Secretary, Legal Division, LR 40:

§1109. Policy

Water quality standards policies concerned with the protection and enhancement of water quality in the state are discussed in this Section. Policy statements on antidegradation, water use, water body exception categories, compliance schedules and variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

A. Antidegradation Policy

1. State policy is that all waters of the state, including interstate, intrastate, and coastal waters, and any portions thereof, whose existing quality exceeds the specifications of the approved water quality standards or otherwise supports an unusual abundance and diversity of fish and wildlife resources, such as waters of national and state parks and refuges, will be maintained at their existing high quality. After completion of appropriate analysis and after completion of the public participation processes outlined in the water quality management plan and the continuing planning process, the state may choose to allow lower water quality in waters that exceed the standards to accommodate justifiable economic and/or social development in the areas in which the waters are located, but not to the extent of violating the established water quality standards. No such changes, however, will be allowed if they impair the existing water uses. No lowering of water quality will be allowed in waters where designated water uses are not currently being attained.

2. Waste discharges shall comply with applicable state and federal laws for the attainment of water quality goals. Any new, existing, or expanded point source or nonpoint source discharging into state waters, including any land clearing which is the subject of a federal permit application, shall be required to provide the necessary level of waste treatment to protect state waters as determined by the administrative authority. Further, the highest statutory and regulatory requirements shall be achieved for all existing point sources and best management practices (BMPs) for nonpoint sources. Additionally, no degradation shall be allowed in high-quality waters designated as *outstanding natural resource waters*, as defined in LAC 33:IX.1111.A. Waters included in the Louisiana Natural and Scenic Rivers System, under the administration of the Louisiana Department of Wildlife and Fisheries, will be considered by the department for designation as outstanding natural resource waters. Those water bodies presently designated as outstanding natural resource waters are listed in LAC 33:IX.1123. The administrative authority shall not approve any wastewater discharge or certify any activity for federal permit that would impair water quality or use of state waters, including waters in the Natural and Scenic Rivers System that are waters of the state.

A.3. - J.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264

(March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:557 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:828 (May 2007), amended by the Office of the Secretary, Legal Division, LR 40:

§1119. Implementation Plan for Antidegradation Policy

A. Summary and Purpose

1. As stated in LAC 33:IX.1109.A of these regulations, the antidegradation policy provides a legal framework for the basic maintenance and protection of all designated water uses. It also outlines methods that the state uses to protect state waters from water quality degradation and some of the state and federal rules and regulations that authorize them.

2. ...

B. Implementation of Louisiana's Water Quality Management Process

1. Procedures and methods by which the antidegradation policy is implemented are described in this Section. Additional implementation procedures may be incorporated into the water quality management plan after appropriate public participation and intergovernmental coordination.

2. - 2.g. ...

C. Specific Implementation Procedures for the Antidegradation Policy. The antidegradation policy is implemented by ensuring that for all new or increased discharges which may impact water quality and are permitted by the state, or for which there must be a permit on which the state comments, consideration is given to requirements of the policy. The basic principle of the policy is that water quality criteria specified in the standards shall not be exceeded and that designated uses will not be adversely impacted.

1. ...

2. If a new or increased activity will impact water quality by either a point or nonpoint source discharge of pollutants, the state shall ensure that the activity will not impair the existing uses. If water quality will be degraded, the state shall ensure that an analysis consistent with the antidegradation policy is completed, and the intergovernmental coordination and public participation provisions of the state's continuing planning process are met. In the case of state or federal wastewater discharge permits, intergovernmental coordination and public participation may be accomplished through public notice of the permit. As with any permitted discharge to a water body not designated as an outstanding natural resource water, some change in existing water quality may occur; however, existing uses shall be maintained.

3. If a new or increased wastewater discharge or activity is proposed for an outstanding natural resource water body, the administrative authority shall not approve that discharge or activity if it will cause *degradation*, as defined in LAC 33:IX.1105, of the water body. A facility identified by the administrative authority as having an unpermitted discharge will be required to apply for an LPDES permit in accordance with LAC 33:IX.2501.A. The unpermitted discharge may be permitted if the discharge

existed before the designation as an outstanding natural resource water body. Additionally, an existing unpermitted discharge of treated sanitary wastewater may also be permitted if no reasonable alternative discharge location is available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2548 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:831 (May 2007), amended by the Office of the Secretary, Legal Division, LR 40:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ088. Such comments must be received no later than July 2, 2014, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ088. These proposed regulations are available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Public Hearing

A public hearing will be held on June 25, 2014, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Surface Water Quality

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed Rule change is anticipated to have no fiscal impact to state or local governmental units. These Rule changes merely update a definition and correct outdated and unclear language.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed Rule change is anticipated to have no impact on state and local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups due to the proposed Rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment due to the proposed Rule change.

Herman Robinson, CPM
Executive Counsel
1405#025

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Pardons Committee on Parole

Meetings and Hearings of the Committee and
Violations of Parole (LAC 22:XI.513, 1113, and 1115)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Board of Pardons, Committee on Parole, hereby gives notice of its intent to amend its rules and promulgate rules of LAC 22:XI.513, 1113, and 1115. This rulemaking provides that an offender's final revocation hearing must be scheduled within 60 calendar days of the offender's return to prison unless the offender waives the right to a final revocation hearing, provides that a delay may only be authorized for good cause, provides for due process at the revocation hearing, and that the Committee on Parole may order that the offender's parole not be revoked.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XI. Committee on Parole

Chapter 5. Meetings and Hearings of the Committee on Parole

§513. Single-Member Action

A.1.a. - c. ...

d. Consideration to delay an offender's revocation hearing beyond 60 calendar days of the offender's return to prison (arrest or detainment), but such a delay may only be authorized by a committee member for good cause.

A.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and R.S. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Parole, LR 24:2300 (December 1998), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 39:2264 (August 2013), LR 40:

Chapter 11. Violations of Parole

§1113. Revocation Hearing

A. When the Division of Probation and Parole has found probable cause and a preliminary hearing has been conducted, a revocation hearing shall be scheduled, unless the offender waives his right to a final revocation hearing. The revocation hearing shall be conducted within 60 calendar days after the offender's return to prison. Any delay for good cause must be approved by the chairman or designee. The purpose of the final revocation hearing is to determine if one or more conditions of parole have been violated by the offender, and if such violation(s) are serious enough to warrant re-incarceration of the offender to serve the balance of his sentence.

B. The revocation hearing is a public hearing and shall be conducted as outlined in Chapter 3 of these rules. The same procedural and substantive rights which are afforded to an offender at a preliminary hearing are afforded at the revocation.

C.1.a. - 2. ...

3. The offender may be allowed to present mitigating circumstances.

D. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and R.S. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Parole, LR 24:2306 (December 1998), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 39:2273 (August 2013), LR 40:

§1115. Decision of the Parole Panel

A.1. - 6. ...

7. do not revoke, continue on supervision.

B.1. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and R.S. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Parole, LR 24:2306 (December 1998), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 39:2274 (August 2013), amended by the Office of the Governor, Board of Pardons, LR 40:59 (January 2014), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 40:

Family Impact Statement

Amendment to the rules has no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule will have no impact on child, individual, or family poverty in relations to individual or community asset development as described in R.S. 49:973.

Public Comments

Written comments may be addressed to Linda Landry, Principal Assistant to the Board of Pardons and Parole, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on June 9, 2014.

Sheryl M. Ranatza
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Meetings and Hearings of the Committee and Violations of Parole

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have no impact on state or local governmental unit expenditures. The proposed rule change amends LAC 22:XI.513, 1113, and 1115 and provides that an offender's final revocation hearing must be scheduled within 60 calendar days of the offender's return to prison (arrest or detention) unless the offender waives the right to a final revocation hearing. Further provides that a delay may only be authorized by a Committee member for good cause. Finally, provides for due process at the revocation hearing, and that the Committee on Parole may order that the offender's parole not be revoked and continue on supervision.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Thomas C. Bickham, III
Undersecretary
1405#003

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

**Sterilizer Monitoring Log and Record Retention
(LAC 46:XXXIII.1206)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to adopt LAC 46:XXXIII.1206.

The Louisiana State Board of Dentistry is proposing the adoption of LAC 46:XXXIII.1206 for clarification of the required sterilizer monitoring recommended by the Federal Centers for Disease Control.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Profession

Chapter 12. Transmission Prevention of Hepatitis B Virus, Hepatitis C Virus, and Human Immunodeficiency Virus

§1206. Sterilizer Monitoring Log and Record Retention

A. Each and every sterilizer utilized in a dental practice shall be monitored in accordance with the recommendations of the Federal Centers for Disease Control including those recommendations designated as strongly recommended and required. A written log of the monitoring shall be produced and maintained by the dentist. The log should include the date of the test, the method of the monitoring, the manufacturer and type of the monitoring system as well as the name of the individual performing the monitoring.

B. The written log and all records of sterilizer monitoring shall be maintained for a period of two years from the date of the last test. The records of sterilizer monitoring shall include any and all documentation for the purchase of testing materials or kits and reports of each test conducted. The records shall be subject to inspection and review during an inspection conducted in accordance with LAC 46:XXXIII.1204. The board may request such documentation from licensees selected at random.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 40:

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Public Comments

Interested persons may submit written comments on the proposed Rule change to Arthur F. Hickham, Jr., Executive Director, Louisiana State Board of Dentistry, One Canal Place, Suite 2680, 365 Canal Street, New Orleans, LA 70130. Written comments must be submitted to and received by the board within 20 days of the date of the publication of this notice.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the board within 20 days of the date of the publication of this notice.

Arthur F. Hickham, Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Sterilizer Monitoring Log and Record Retention

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be a one-time cost of \$250 in FY 13-14 and \$250 in FY 14-15 for publication of the proposed rules in the State Register. There are no estimated costs or savings to local governmental units from the proposed rules. The proposed rule provides for a requirement with respect to maintaining a log of sterilizer monitoring and the retention of such records for a period of two years. The proposed rule requires sterilizer monitoring in accordance with the recommendations of the Federal Centers for Disease Control.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by the board as a result of the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

All licensed dental practitioners in the State of Louisiana will be affected by this rule change. However, there will be no costs or economic benefits relative to this proposed rule change. There should be no additional costs or increase in workload for dental practitioners as the Federal Centers for Disease Control has required weekly monitoring since 1993.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Arthur F. Hickham, Jr.
Executive Director
1405#064

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing
and
Office of Behavioral Health**

Behavioral Health Services
Supplemental Payments
(LAC 50:XXXIII.Chapter 161)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health propose to adopt LAC 50:XXXIII.Chapter 161 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to implement a coordinated behavioral health services system under the Medicaid Program which provides coverage of behavioral

health services to children and adults through the Louisiana Behavioral Health Partnership (*Louisiana Register*, Volume 38, Number 2).

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health promulgated an Emergency Rule which amended the provisions governing behavioral health services in order to establish supplemental Medicaid payments for state-owned and operated behavioral health providers (*Louisiana Register*, Volume 39, Number 2). This proposed Rule is being promulgated to continue the provisions of the January 20, 2013 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXXIII. Behavioral Health Services

Subpart 17. Supplemental Payments

Chapter 161. General Provisions

§16101. Qualifying Criteria

A. Effective for dates of service on or after January 20, 2013, providers of behavioral health services may qualify for supplemental payments for services rendered to Medicaid recipients. To qualify for the supplemental payment, the behavioral health provider must be:

1. licensed as necessary by the state of Louisiana;
2. enrolled as a Medicaid provider; and
3. a government-owned and operated entity or a quasi-governmental entity.

B. Providers of the following services shall be eligible to receive supplemental payments:

1. providers furnishing services thru a statewide management organization;
2. children's mental health services;
3. behavioral health services;
4. home and community-based waiver services;
5. psychiatric residential treatment facility services;
6. therapeutic group home services;
7. substance abuse services; and
8. local government juvenile justice programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 40:

§16103. Payment Methodology

A. The supplemental payment shall be calculated in a manner that will bring payments for these services up to the community rate level.

1. For purposes of these provisions, the community rate shall be defined as the rates paid by commercial payers for the same service.

B. The behavioral health provider shall periodically furnish satisfactory data for calculating the community rate as requested by the department.

C. The supplemental payment amount shall be determined by establishing a Medicare to community rate conversion factor for the behavioral health provider. At the end of each quarter, for each Medicaid claim paid during the quarter, a Medicare payment amount will be calculated and the Medicare to community rate conversion factor will be applied to the result. Medicaid payments made for the claims paid during the quarter will then be subtracted from this amount to establish the supplemental payment amount for that quarter.

1. The Medicare to community rate conversion factor shall be recalculated at least every three years.

D. The supplemental payments shall be made on a quarterly basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Public Comments

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, June 26, 2014 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Behavioral Health Services Supplemental Payments

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic costs of \$846,394 for FY 13-14, \$892,752 for FY 14-15 and \$913,718 for FY 15-16; however, the state match shall be funded through an intergovernmental transfer of funds from the qualifying mental health centers to the department to secure the federal match to fund this program. It is anticipated that \$410 (\$205 SGF and \$205 FED) will be expended in FY 13-14 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage

(FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$1,438,543 for FY 13-14, \$1,460,311 for FY 14-15 and \$1,509,937 for FY 15-16. It is anticipated that \$205 will be expended in FY 13-14 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the January 20, 2013 Emergency Rule which amended the provisions governing behavioral health services in order to establish supplemental Medicaid payments for state-owned and operated behavioral health providers. It is anticipated that implementation of this proposed rule will increase program expenditures in the Medicaid Program by approximately \$2,284,527 for FY 13-14 and \$2,353,063 for FY 14-15 and \$2,423,655 for FY 15-16.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

J. Ruth Kennedy
Medicaid Director
1405#051

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

**Inpatient Hospital Services
Elective Deliveries
(LAC 50:V.107)**

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:V.107 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid reimbursement to acute care hospitals for the delivery of infants. The department now proposes to amend the provisions governing inpatient hospital services in order to adopt provisions to cease reimbursement for elective deliveries performed prior to 39 weeks gestation when there is no documentation of a medical condition that would justify elective delivery.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospital Services

Chapter 1. General Provisions

§107. Elective Deliveries

A. Induced deliveries and cesarean sections shall not be reimbursed when performed prior to 39 weeks gestation. This shall not apply to deliveries when there is a documented medical condition that would justify delivery prior to 39 weeks gestation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 by reducing maternal hospital stays and the cost of complications associated with medically unnecessary elective deliveries.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by reducing the financial burden on families who incur costs associated with cesarean births, prolonged recovery time, and extended hospital stays associated with medically unnecessary elective deliveries.

Public Comments

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, June 26, 2014 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Inpatient Hospital Services
Elective Deliveries**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 13-14, but will result in estimated state general fund programmatic savings of \$115,661 for FY 14-15 and \$125,710 for FY 15-16. It is anticipated that \$246 (\$123 SGF and \$123 FED) will be expended in FY 13-14 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately \$189,191 for FY 14-15 and \$207,739 for FY 15-16. It is anticipated that \$123 will be expended in FY 13-14 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing inpatient hospital services in order to adopt provisions to cease reimbursement for elective deliveries prior to 39 weeks gestation when there is no documentation of a medical condition that would justify elective delivery. It is anticipated that implementation of this proposed rule will reduce expenditures in the Medicaid Program by approximately \$304,852 for FY 14-15 and \$333,449 for FY 15-16.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

J. Ruth Kennedy
Medicaid Director
1405#052

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Medical Transportation Program
Emergency Ambulance Services
Supplemental Payments
(LAC 50:XXVII.327 and 355)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:XXVII.327 and §355 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated

in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for emergency ambulance transportation services. The department promulgated an Emergency Rule which established supplemental payments for governmental ambulance providers who render emergency medical transportation services to low income and needy patients in the state of Louisiana (*Louisiana Register*, Volume 37, Number 6). The department promulgated an Emergency Rule which amended the provisions of the July 1, 2011 Emergency Rule to allow supplemental payments for all ambulance providers who render emergency medical transportation services to low income and needy patients (*Louisiana Register*, Volume 37, Number 7). The July 20, 2011 Emergency Rule was amended to allow supplemental payments to providers of air ambulance transportation services (*Louisiana Register*, Volume 37, Number 8). The department promulgated an Emergency Rule which rescinded and replaced the July 1, 2011, the July 20, 2011, and the August 20, 2011 Emergency Rules in order to promulgate clear and concise provisions governing supplemental payments for emergency ambulance services (*Louisiana Register*, Volume 37, Number 9).

The department promulgated an Emergency Rule which amended the September 20, 2011 Emergency Rule to clarify the provisions governing supplemental payments for emergency ambulance services (*Louisiana Register*, Volume 37, Number 12). The department promulgated an Emergency Rule which amended the December 20, 2011 Emergency Rule to further clarify the provisions governing supplemental payments for emergency ambulance services (*Louisiana Register*, Volume 38, Number 3).

After consulting with the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services to secure approval of the corresponding State Plan Amendment, the department promulgated an Emergency Rule which amended the March 20, 2012 Emergency Rule to further clarify the provisions governing supplemental payments for emergency medical transportation services in order to ensure that the administrative Rule is consistent with the approved Medicaid State Plan (*Louisiana Register*, Volume 39, Number 4). This proposed Rule is being promulgated to continue the provisions of the March 20, 2013 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXVII. Medical Transportation Program

Chapter 3. Emergency Medical Transportation

Subchapter B. Ground Transportation

§327. Supplemental Payments for Ambulance Providers

A. Effective for dates of service on or after September 20, 2011, quarterly supplemental payments shall be issued to qualifying ambulance providers for emergency medical transportation services rendered during the quarter.

B. Qualifying Criteria. Ambulance service providers must meet the following requirements in order to qualify to receive supplemental payments. The ambulance service provider must be:

1. licensed by the state of Louisiana;
2. enrolled as a Louisiana Medicaid provider; and
3. a provider of emergency medical transportation or air ambulance services pursuant to 42 CFR 440.170 and a provider of the corresponding Medical and remedial care and services in the approved Medicaid state plan.

C. **Payment Methodology.** The supplemental payment to each qualifying ambulance service provider will not exceed the sum of the difference between the Medicaid payments otherwise made to these qualifying providers for emergency medical transportation and air ambulance services and the average amount that would have been paid at the equivalent community rate.

D. The supplemental payment will be determined in a manner to bring payments for these services up to the community rate level. The community rate is defined as the average amount payable by commercial insurers for the same services.

E. **Supplemental Payment Calculation.** The following methodology shall be used to establish the quarterly supplemental payment for ambulance providers.

1. The department shall identify Medicaid ambulance service providers that were qualified to receive supplemental Medicaid reimbursement for emergency medical transportation services and air ambulance services during the quarter.

2. For each Medicaid ambulance service provider identified to receive supplemental payments, the department shall identify the emergency medical transportation and air ambulance services for which the Medicaid ambulance service providers were eligible to be reimbursed.

3. For each Medicaid ambulance service provider described in E.1, the department shall calculate the reimbursement paid to the Medicaid ambulance service providers for the emergency medical transportation and air ambulance services identified under E.2.

4. For each Medicaid ambulance service provider described in E.1, the department shall calculate the Medicaid ambulance service provider's equivalent community rate for each of the Medicaid ambulance service provider's services identified under E.2.

5. For each Medicaid ambulance service provider described in E.1, the department shall subtract an amount equal to the reimbursement calculation for each of the emergency medical transportation and air ambulance services under E.3 from an amount equal to the amount calculated for each of the emergency medical transportation and air ambulance services under E.4.

6. For each Medicaid ambulance service provider described in E.1, the department shall calculate the sum of each of the amounts calculated for emergency medical transportation and air ambulance services under E.5.

7. For each Medicaid ambulance service provider described in E.1, the department shall calculate each emergency ambulance service provider's upper payment limit by totaling the provider's total Medicaid payment differential from E.6.

8. The department will reimburse providers based on the following criteria.

- a. For ambulance service providers identified in E.1 located in large urban areas and owned by governmental

entities, reimbursement will be up to 100 percent of the provider's average commercial rate calculated in E.7.

- b. For all other ambulance service providers identified in E.1, reimbursement will be up to 80 percent of the provider's average commercial rate calculated in E.7.

F. **Calculation of Average Commercial Rate.** The supplemental payment will be determined in a manner to bring payments for these services up to the average commercial rate level.

1. For purposes of these provisions, the average community rate level is defined as the average amount payable by the commercial payers for the same services.

2. The state will align the paid Medicaid claims with the Medicare fees for each HCPCS or CPT code for the ambulance provider and calculate the Medicare payment for those claims. The state will then calculate an overall Medicare to commercial conversion factor for each ambulance provider by dividing the total amount of the average commercial payments for the claims by the total Medicare payments for the claims. The commercial to Medicare ratio for each provider will be re-determined at least every three years.

G. The supplemental payment will be made effective for emergency medical transportation provided on or after September 20, 2011. This payment is based on the average amount that would have been paid at the equivalent community rate. After the initial calculation for fiscal year 2011-2012, the department will rebase the equivalent community rate using adjudicated claims data for services from the most recently completed fiscal year. This calculation may be made annually, but shall be made no less than every three years.

H. The total amount to be paid by the state to qualified Medicaid ambulance service providers for supplemental Medicaid payments shall not exceed the total of the Medicaid payment differentials calculated under §327.E.6 for all qualified Medicaid ambulance service providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Subchapter C. Air Transportation

§355. Supplemental Payments for Ambulance Providers

A. Effective for dates of service on or after September 20, 2011, quarterly supplemental payments shall be issued to qualifying ambulance providers for emergency medical air transportation services rendered during the quarter.

B. **Qualifying Criteria.** Ambulance service providers must meet the following requirements in order to qualify to receive supplemental payments. The ambulance service provider must be:

1. licensed by the state of Louisiana;
2. enrolled as a Louisiana Medicaid provider; and
3. a provider of emergency medical transportation or air ambulance services pursuant to 42 CFR 440.170 and a provider of the corresponding medical and remedial care and services in the approved Medicaid state plan.

C. **Payment Methodology.** The supplemental payment to each qualifying ambulance service provider will not exceed the sum of the difference between the Medicaid payments otherwise made to these qualifying providers for emergency

medical transportation and air ambulance services and the average amount that would have been paid at the equivalent community rate.

D. The supplemental payment will be determined in a manner to bring payments for these services up to the community rate level. The community rate is defined as the average amount payable by commercial insurers for the same services.

E. Supplemental Payment Calculation. The following methodology shall be used to establish the quarterly supplemental payment for ambulance providers.

1. The department shall identify Medicaid ambulance service providers that were qualified to receive supplemental Medicaid reimbursement for emergency medical transportation services and air ambulance services during the quarter.

2. For each Medicaid ambulance service provider identified to receive supplemental payments, the department shall identify the emergency medical transportation and air ambulance services for which the Medicaid ambulance service providers were eligible to be reimbursed.

3. For each Medicaid ambulance service provider described in E.1, the department shall calculate the reimbursement paid to the Medicaid ambulance service providers for the emergency medical transportation and air ambulance services identified under E.2.

4. For each Medicaid ambulance service provider described in E.1, the department shall calculate the Medicaid ambulance service provider's equivalent community rate for each of the Medicaid ambulance service provider's services identified under E.2.

5. For each Medicaid ambulance service provider described in E.1, the department shall subtract an amount equal to the reimbursement calculation for each of the emergency medical transportation and air ambulance services under E.3 from an amount equal to the amount calculated for each of the emergency medical transportation and air ambulance services under E.4.

6. For each Medicaid ambulance service provider described in E.1, the department shall calculate the sum of each of the amounts calculated for emergency medical transportation and air ambulance services under E.5.

7. For each Medicaid ambulance service provider described in E.1, the Department shall calculate each emergency ambulance service provider's upper payment limit by totaling the provider's total Medicaid payment differential from B.6.

8. The department will reimburse providers based on the following criteria.

a. For ambulance service providers identified in E.1 located in large urban areas and owned by governmental entities, reimbursement will be up to 100 percent of the provider's average commercial rate calculated in E.7.

b. For all other ambulance service providers identified in E.1, reimbursement will be up to 80 percent of the provider's average commercial rate calculated in E.7.

F. Calculation of Average Commercial Rate. The supplemental payment will be determined in a manner to bring payments for these services up to the average commercial rate level.

1. For purposes of these provisions, the average commercial rate level is defined as the average amount payable by the commercial payers for the same services.

2. The state will align the paid Medicaid claims with the Medicare fees for each HCPCS or CPT code for the ambulance provider and calculate the Medicare payment for those claims. The state will then calculate an overall Medicare to commercial conversion factor for each ambulance provider by dividing the total amount of the average commercial payments for the claims by the total Medicare payments for the claims. The commercial to Medicare ratio for each provider will be re-determined at least every three years.

G. The supplemental payment will be made effective for air ambulance services provided on or after September 20, 2011. This payment is based on the average amount that would have been paid at the equivalent community rate. After the initial calculation for fiscal year 2011-2012, the department will rebase the equivalent community rate using adjudicated claims data for services from the most recently completed fiscal year. This calculation may be made annually, but shall not be made less often than every three years.

H. The total amount to be paid by the state to qualified Medicaid ambulance service providers for supplemental Medicaid payments shall not exceed the total of the Medicaid payment differentials calculated under §327.E.6 for all qualified Medicaid ambulance service providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it encourages provider participation in the Medical Assistance Program.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 as it encourages provider participation in the Medical Assistance Program which may result in reduced healthcare costs to the family.

Public Comments

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, June 26, 2014 at 9:30 a.m. in Room 118, Bienville

Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Medical Transportation Program
Emergency Ambulance Services
Supplemental Payments**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will result in estimated state general fund costs of approximately \$8,626,895 for FY 13-14, \$5,691,000 for FY 14-15 and \$6,409,000 for FY 15-16; however, the state match shall be funded through an intergovernmental transfer of funds from the qualifying statewide ambulance service district. It is anticipated that \$984 (\$492 SGF and \$492 FED) will be expended in FY 13-14 for the state's administrative expense for promulgation of this proposed Rule and the Final Rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$14,663,515 for FY 13-14, \$9,309,000 for FY 14-15 and \$10,591,000 for FY 15-16. It is anticipated that \$492 will be expended in FY 13-14 for the federal administrative expenses for promulgation of this proposed Rule and the Final Rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

This proposed Rule continues the provisions of the September 20, 2011, March 20, 2012, and March 20, 2013 Emergency Rules which adopted provisions to allow supplemental payments for ambulance providers who render emergency medical transportation services to low income and needy patients. It is anticipated that implementation of this proposed Rule will increase Medicaid Program expenditures by approximately \$23,289,426 for FY 13-14, \$15,000,000 for FY 14-15 and \$17,000,000 for FY 15-16.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

It is anticipated that the implementation of this proposed Rule will not have an effect on competition and employment.

J. Ruth Kennedy
Medicaid Director
1405#053

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Pregnant Women Extended Services
Dental Services
Program Termination
(LAC 50:XV.Chapter 161)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to repeal LAC 50:XV.Chapter 161 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for dental services to reduce the reimbursement rates for services rendered to Medicaid eligible pregnant women (*Louisiana Register*, Volume 37, Number 11). Due to a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for dental services rendered to Medicaid eligible pregnant women to reduce the reimbursement rates (*Louisiana Register*, Volume 38, Number 7).

Due to a continuing budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which repealed the provisions governing dental services rendered to Medicaid eligible pregnant women in order to terminate these services (*Louisiana Register*, Volume 39, Number 1). Dental services provided in the Pregnant Women Extended Services Program were an optional covered service under the Medicaid State Plan. This proposed Rule is being promulgated to continue the provisions of the February 1, 2013 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 13. Pregnant Women Extended Services

Chapter 161. Dental Services

§16101. Recipient Qualifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), amended LR 30:2834 (December 2004), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§16103. Provider Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

§16105. Covered Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), amended LR 34:442 (March 2008), LR 34:1419 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1902 (September 2009), repealed LR 40:

§16107. Reimbursement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1902 (September 2009), LR 36:2044 (September 2010), LR 37:3270 (November 2011), repealed LR 40:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have an adverse impact on family functioning, stability or autonomy as described in R.S. 49:972 to the extent that unmet dental needs may impair the pregnant woman's health and wellness and may compromise her ability to perform essential family functions.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have an adverse impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 to the extent that family earnings and resources will now be used to cover cost of dental services for the pregnant woman that were previously covered by Medicaid.

Public Comments

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, June 26, 2014 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Pregnant Women Extended Services
Dental Services—Program Termination**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic savings of \$1,549,687 for FY 13-14, \$1,635,177 for FY 14-15 and \$1,673,579 for FY 15-16. It is anticipated that \$410 (\$205 SGF and \$205 FED) will be expended in FY 13-14 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately \$2,634,276 for FY 13-14, \$2,674,727 for FY 14-15 and \$2,765,622 for FY 15-16. It is anticipated that \$205 will be expended in FY 13-14 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the February 1, 2013 Emergency Rule which repeals the provisions governing dental services rendered to Medicaid eligible pregnant women in order to terminate these services. It is anticipated that implementation of this proposed rule will reduce expenditures in the Medicaid Program by approximately \$4,184,373 for FY 13-14, \$4,309,904 for FY 14-15 and \$4,439,201 for FY 15-16.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

J. Ruth Kennedy
Medicaid Director
1405#054

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Professional Services Program
Reimbursement Methodology
Elective Deliveries
(LAC 50:IX.15109)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:IX.15109 in the Medical Assistance Program as

authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid reimbursement to physicians and nurse midwives for the delivery of infants. The department now proposes to amend the provisions governing the reimbursement methodology in the Professional Services Program in order to adopt provisions to cease reimbursement for elective deliveries performed prior to 39 weeks gestation when there is no documentation of a medical condition that would justify elective delivery.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter A. General Provisions

§15109. Elective Deliveries

A. Induced deliveries and cesarean sections by physicians or nurse midwives shall not be reimbursed when performed prior to 39 weeks gestation. This shall not apply to deliveries when there is a documented medical condition that would justify delivery prior to 39 weeks gestation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 by reducing the cost of complications associated with medically unnecessary elective deliveries.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by reducing the financial burden on families who incur costs associated with cesarean births, prolonged recovery time, and extended hospital stays associated with medically unnecessary elective deliveries.

Public Comments

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for

responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, June 26, 2014 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Professional Services Program Reimbursement Methodology—Elective Deliveries

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 13-14, but will result in estimated state general fund programmatic savings of \$24,532 for FY 14-15 and \$26,663 for FY 15-16. It is anticipated that \$246 (\$123 SGF and \$123 FED) will be expended in FY 13-14 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately \$40,127 for FY 14-15 and \$44,061 for FY 15-16. It is anticipated that \$123 will be expended in FY 13-14 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing the reimbursement methodology for the Professional Services Program in order to adopt provisions to cease reimbursement for elective deliveries performed prior to 39 weeks gestation when there is no documentation of a medical condition that would justify elective delivery. It is anticipated that implementation of this proposed rule will reduce expenditures in the Medicaid Program by approximately \$64,659 for FY 14-15 and \$70,724 for FY 15-16.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

J. Ruth Kennedy
Medicaid Director
1405#055

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Bureau of Health Services Financing

Rehabilitation Clinics
Termination of Coverage for Recipients 21 and Older
(LAC 50:XI.103 and 301)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:XIII.103 and §301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repromulgated the provisions governing the covered services and reimbursement paid to rehabilitation clinics in a codified format for inclusion in the *Louisiana Administrative Code* (*Louisiana Register*, Volume 30, Number 5).

Due to a budgetary shortfall in state fiscal year 2013, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing rehabilitation clinics in order to terminate the coverage and Medicaid reimbursement of services rendered to recipients 21 years of age and older (*Louisiana Register*, Volume 39, Number 1). In compliance with a court order from the *Melanie Chisholm, et al vs. Kathy Kliebert* class action litigation, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the reimbursement methodology for rehabilitation clinics in order to increase the reimbursement rates for physical and occupational therapy services rendered to recipients under the age of 21 (*Louisiana Register*, Volume 40, Number 2).

The department subsequently promulgated an Emergency Rule which amended the provisions of the February 1, 2013 Emergency Rule in order to revise the formatting as a result of the publication of the February 1, 2014 Emergency Rule (*Louisiana Register*, Volume 40, Number 2). This proposed Rule is being promulgated to continue the provisions of the February 20, 2014 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 1. Rehabilitation Clinics

Chapter 1. General Provisions

§103. Services

A. ...

B. Effective for dates of service on or after February 1, 2013, the department terminates the coverage of all rehabilitation services to recipients 21 years of age and older.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:13 (January 1983), repromulgated for inclusion in LAC, LR 30:1021 (May 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Chapter 3. Reimbursement

§301. Reimbursement Methodology

A. ...

B. Effective for dates of service on or after February 1, 2013, reimbursement shall not be made for services rendered to recipients 21 years of age and older.

C. - D. Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 22:109 (February 1996), amended LR 23:731 (June 1997), repromulgated for inclusion in LAC, LR 30:1021 (May 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have an adverse impact on family functioning, stability and autonomy as described in R.S. 49:972 due to the loss of rehabilitation services at age 21.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have an adverse impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 in the event that health care assistance is reduced as a result of the loss of rehabilitation services at age 21.

Public Comments

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, June 26, 2014 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Rehabilitation Clinics

Termination of Coverage for Recipients 21 and Older

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic savings of \$565,748 for FY 13-14, \$597,096 for FY 14-15 and \$611,119 for FY 15-16. It is anticipated that \$410 (\$205 SGF and \$205 FED) will be expended in FY 13-14 for the state's administrative expense for promulgation of this proposed rule

and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately \$961,793 for FY 13-14, \$976,694 for FY 14-15 and \$1,009,885 for FY 15-16. It is anticipated that \$205 will be expended in FY 13-14 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the February 1, 2013 and the February 20, 2014 Emergency Rules governing rehabilitation clinic services rendered to recipients 21 years of age and older in order to terminate coverage of these services. It is anticipated that implementation of this proposed rule will reduce program expenditures in the Medicaid Program by approximately \$1,527,951 for FY 13-14, \$1,573,790 for FY 14-15 and \$1,621,004 for FY 15-16.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition.

J. Ruth Kennedy
Medicaid Director
1405#056

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development Transportation Authority

Toll Appeal Procedure—LA 1 (LAC 70:XI.303)

Notice is hereby given in accordance with the provision of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 47:820.5.4 and 820.5.5., that the Department of Transportation and Development, Transportation Authority, proposes to amend Chapter 3, §303.A.1 and A.9, to include electronic mail as a method by which the registered owner of a violating vehicle may be notified of an appeal or an appeal decision; §303.A.2, to allow toll hearings to be conducted more frequently than quarterly, and §303.A.2, to allow toll hearings to be conducted at either location specified in the Rule.

Title 70

TRANSPORTATION

Part XI. Louisiana Transportation Authority

Chapter 3. Toll Appeal Procedure-LA 1

§303. Appeal Procedures-LA 1

A. ...

1. Notice of the date, time and location of the appeal hearing shall be sent to the toll violator by mail or electronic mail 10 days in advance of the scheduled hearing.

2. Location of the hearing may alternate between the customer service center in Golden Meadow, 1821 South Alex Plaisance Blvd. (Hwy. 3235) and the offices of the Crescent City Connection, 2001 Mardi Gras Blvd., New Orleans, LA, unless otherwise notified.

3. Hearings shall be conducted not less than quarterly.

4. - 8. ...

9. Notice of decision shall be made in person or by mail or electronic mail.

10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:820.5.4 and 820.5.5.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Transportation Authority, LR 38:2379 (September 2013), amended LR 40:

Family Impact Statement

Implementation of this proposed Rule change should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically:

1. The implementation of this proposed Rule change will have no known or foreseeable effect on the stability of the family.

2. The implementation of this proposed Rule change will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The implementation of this proposed Rule change will have no known or foreseeable effect on the functioning of the family.

4. The implementation of this proposed Rule change will have no known or foreseeable effect on the family earnings and family budget.

5. The implementation of this proposed Rule change will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The implementation of this proposed Rule change will have no known or foreseeable effect on the ability of the family or local government to perform this function.

Poverty Impact Statement

The implementation of this proposed Rule change should not have any known or foreseeable impact on child, individual, or family poverty in relation to individual or community asset development as defined by R.S. 49:973. Specifically:

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Toll Appeal Procedure—LA 1

1. The implementation of this proposed Rule change will have no known or foreseeable effect on household income, assets, and financial security.

2. The implementation of this proposed Rule change will have no known or foreseeable effect on early childhood development and preschool through postsecondary education development.

3. The implementation of this proposed Rule change will have no known or foreseeable effect on employment and workforce development.

4. The implementation of this proposed Rule change will have no known or foreseeable effect on taxes and tax credits.

5. The implementation of this proposed Rule change will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement

The implementation of this proposed Rule change on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed Rule change is not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

Public Comments

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent to Peter Allain, Traffic Engineering Division Administrator, Office of Engineering, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, LA 70804-9245, or by telephone (225) 242-4631.

Sherri H. LeBas
Secretary

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule codifies the part of Act 206 of the 2013 Regular Legislative Session that amends R.S. 47:820.5.4 to include “electronic mail” as a method by which the registered owner of a violating vehicle may be notified of a toll violation or appeal decision. DOTD is currently sending approximately 40 to 60 notices per year by certified mail, at a cost of \$5.95 per notice and averaging a total annual cost of approximately \$497. Electronic mail will expedite notification of appeal decisions and is expected to significantly reduce costs associated with traditional mailing.

The proposed rule changes further allow for toll hearings to be conducted more frequently than on a quarterly basis and to allow toll hearings to be conducted at either location specified in the existing rule. There is no impact on costs related to either the frequency or location of the appeal hearings to either the state or local governmental units as a result of the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated effects on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no costs or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Eric Kalivoda, Ph.D., P.E.
Deputy Secretary
1405#061

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Structural Pest Control Commission

Approved Termiticides and Manufacturers

The Louisiana Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, hereby gives notice of the list of termiticides and manufacturers that have been approved by the Structural Pest Control Commission for use in Louisiana.

Approved Termiticides and Manufacturers		
Product	Percentage	Manufacturer
Altriset (Chlorantraniliprole)	0.05% - 0.10%	Dupont
AggresZor 75 WSP (Imidacloprid)	0.05% - 0.10%	Speckoz
Baseline (Bifenthrin)	0.06% - 0.12%	FMC
Bifen XTS (Bifenthrin)	0.06% - 0.12%	Control Solutions
Bifen IT (Bifenthrin)	0.06% - 0.12%	Control Solutions
Bifen PT (Bifenthrin)	0.06% - 0.12%	Control Solutions
Bifenthrin Pro Multi-Insecticide (Bifenthrin)	0.06% - 0.12%	BASF
Bifenthrin TC (Bifenthrin)	0.06% - 0.12%	Control Solutions
Bifenthrin Termiticide / Insecticide (Bifenthrin)	0.06% - 0.12%	Speckoz
Biflex TC (Bifenthrin)	0.06% - 0.12%	FMC
Bora-Care (Disodium Octaborate Tetrahydrate)	23%	Nisus
BOR-RAM (Disodium Octaborate Tetrahydrate)	23%	Sostram Corporation
Borathor (Disodium Octaborate Tetrahydrate)	5.0% - 15.0%	Ensystem II, Inc.
Centerfire 75 WSP (Imidacloprid)	0.05% - 0.10%	Bayer
Cyper TC (Cypermethrin)	0.25% - 1.00%	Control Solutions
Cypermethrin G-Pro (Cypermethrin)	0.25% - 1.00%	GRO-PRO
Demon (Cypermethrin)	0.25% - 1.00%	Zeneca
Demon MAX (Cypermethrin)	0.25% - 1.00%	Syngenta
Dominion 2L (Imidacloprid)	0.05% - 0.10%	Control Solutions
Dominion 75 WSP (Imidacloprid)	0.05% - 0.10%	Control Solutions
Dragnet FT (Permethrin)	0.05% - 2.00%	FMC
Dragnet SFR (Permethrin)	0.05% - 2.00%	FMC
Fuse (Imidacloprid / Fipronil)	0.067% - 0.13%	Control Solutions
Imida E-Pro 2F (Imidacloprid)	0.05% - 0.10%	Etigra
Imida E-Pro 75 WSP (Imidacloprid)	0.05% - 0.10%	Etigra
Impasse Termite System (Lambda-cyhalothrin)		Syngenta
Impasse Termite Blocker (Lambda-cyhalothrin)		Syngenta
MasterLine (Bifenthrin)	0.06% - 0.12%	Univar
MasterLine I Maxx Pro WSP (Imidacloprid)	0.05% - 0.10%	Bayer
MasterLine I Maxx Pro 2F (Imidacloprid)	0.05% - 0.10%	Bayer
Maxxthor SC (Bifenthrin)	0.06% - 0.12%	Ensystem
Permaster 380 (Permethrin)	0.50% - 2.00%	LG Chemical
Permethrin SFR (Permethrin)	0.50% - 2.00%	Control Solutions
Permethrin TC (Permethrin)	0.50% - 2.00%	Micro-Flo
Phantom (Chlorfenapyr)	0.063% - 0.25%	BASF

Approved Termiticides and Manufacturers		
Product	Percentage	Manufacturer
Prelude (Torpedo)(Permethrin)	0.50% - 2.00%	AMVAC
Premise 75 WSP (Imidacloprid)	0.05% - 0.10%	Bayer
Premise 0.5SC (Imidacloprid)	0.05% - 0.10%	Bayer
Premise II (Imidacloprid)	0.05% - 0.10%	Bayer
Premise Pre-Construction (Imidacloprid)	0.05% - 0.10%	Bayer
**Premise Gel (Imidacloprid)	0.001%	Bayer
Premise Pro (Imidacloprid)	0.05% - 0.10%	Bayer
Prevail (Cypermethrin)	0.25% - 1.00%	FMC
Prevail TC (Cypermethrin)	0.30% - 0.60%	FMC
Prevail FT (Cypermethrin)	0.25% - 1.00%	FMC
Prevail Pretreat (Cypermethrin)	0.25% - 1.00%	FMC
Pro-Build TC (Cypermethrin)	0.25% - 1.0%	Syngenta
Prothor WP (Imidacloprid)	0.05% - 0.10%	Ensystem III
Prothor WSP (Imidacloprid)	0.05% - 0.10%	Ensystem III
Talstar P (Bifenthrin)	0.06% - 0.12%	FMC
Talstar Pretreat (Bifenthrin)	0.06% - 0.12%	FMC
Talstar (Bifenthrin)	0.06% - 0.12%	FMC
Talstar One Multi-Insecticide (Bifenthrin)	0.06% - 0.12%	FMC
Taurus SC (Fipronil)	0.06% - 0.125%	Control Solutions
Tengard SFR (Permethrin)	0.50% - 2.00%	United Phosphorus
Termidor (Fipronil)	0.06% - 0.125%	BASF
Termidor 80WG (Fipronil)	0.06% - 0.125%	BASF
Termidor SC (Fipronil)	0.06% - 0.125%	BASF
Termidor HE (Fipronil)	0.06% - 0.125%	BASF
Termidor Dry (Fipronil)	0.5%	BASF
Transport (Acetamiprid)(Bifenthrin)	0.11%	FMC
Transport Mikron Insecticide (Acetamiprid / Bifenthrin)	0.054% - 0.11%	FMC
UP-Cyde Pro 2.0 EC (Cypermethrin)	0.25% - 1.0%	United Phosphorus
ValueLine Bifenthrin TC (Bifenthrin)	0.06% - 0.12%	FMC
Wisdom TC Flowable (Bifenthrin)	0.06% - 0.12%	AMVAC

** Premise Gel is approved for targeted (spot) application only.

Baits (Not In Pilot Program)	
Advance Compressed Termite Bait (Diflubenzuron)	Whitmire Micro-Gen
Advance Compressed Termite Bait II (Diflubenzuron)	Whitmire Micro-Gen
FirstLine GTX Termite Bait Station (Sulflurimid)	FMC
FirstLine GT Termite Bait Station (Sulflurimid)	FMC
FirstLine Termite Bait Station (Sulflurimid)	FMC
FirstLine GT Plus (Sulflurimid)	FMC
Isophthor Termite Bait (Diflubenzuron)	Ensystem
Labyrinth (Diflubenzuron)	Ensystem
Labyrinth AC (Diflubenzuron)	Ensystem
Recruit II (Hexaflumuron)	Dow Agro Sciences
Recruit II AG (Hexaflumuron)	Dow Agro Sciences
Recruit III (Noviflumuron)	Dow Agro Sciences
Recruit III AG (Noviflumuron)	Dow Agro Sciences
Recruit IV (Noviflumuron)	Dow Agro Sciences
Recruit IV AG (Noviflumuron)	Dow Agro Sciences
Recruit HD (Noviflumuron)	Dow Agro Sciences
Shatter (Hexaflumuron)	Dow Agro Sciences
T-Max (Noviflumuron)	Dow Agro Sciences / Terminix

Baits (Not In Pilot Program)	
	International
T-Max AG (Noviflumuron)	Dow Agro Sciences / Terminix International
T-Max II (Diflubenzuron)	Whitmire Micro-Gen / Terminix International

Baits (In Pilot Program)	
Advance Compressed Termite Bait II – AG (Diflubenzuron)	Whitmire Micro-Gen
Trelona	Whitmire Micro-Gen

Mike Strain, DVM
Commissioner

1405#012

POTPOURRI

**Department of Environmental Quality
Office of Environmental Services
Water Permits Division**

**Reissuance of the General Permit for Discharges of Exterior
Vehicle Wash Wastewater**

The general permit for discharges of exterior vehicle wash wastewater (LPDES Permit No. LAG750000) referred to as the “general permit,” expired March 14, 2014. Due to the significant change in the upcoming reissuance, LDEQ Water Permits Division is providing additional notification of this change to the regulated community and the general public. As part of the reissuance process, the department has made the following change to the general permit. (1405Pot1)

The change includes Part I.A, Applicability, of the final permit prohibits the use of soaps and/or detergents that are not biodegradable, low-phosphate, and low-surfactant. The prohibition of nonbiodegradable soaps and detergents was included in Part II, Other Conditions, Pollution Prevention Plan of the draft permit, but not explicitly stated in Part I, Applicability. The term “biodegradable” means the use of soaps and detergents that will not contribute to a violation of water quality standards or persist in the environment. This decision is based on other states’ general permits and the availability and common use of low-phosphate and phosphate-free soaps and detergents. Dischargers that are automatically-authorized under the reissued permit shall comply with this additional requirement within six months of the effective date.

For further information regarding the general permit for discharges of exterior vehicle wash wastewater, you may contact Laura Thompson, Office of Environmental Services, Water Permits Division, at (225) 219-0803 or laura.thompson@la.gov.

Herman Robinson, CPM
Executive Counsel

1405#027

POTPOURRI

**Department of Environmental Quality
Office of the Secretary
Legal Division**

**2011-2013 Permit Rule SIP, VOC Rule SIP, and
Miscellaneous Rule SIP**

Under the authority of the Environmental Quality Act, R.S. 30:2051 et seq., the secretary gives notice that the Office of Environmental Services, Air Permits Division, Manufacturing Section, will submit to the Environmental Protection Agency (EPA) revisions to the state implementation plan (SIP) affecting Rule revisions to LAC 33:III, Air. These revisions include the Title V SIP, Volatile Organic Compounds SIP, and General Rule Miscellaneous SIP. (1405Pot2)

If any party wishes to have a public hearing on this matter, one will be scheduled and the comments received at such hearing will be submitted as an addendum to the original submittal. All interested persons are invited to submit written comments concerning this SIP revision no later than 4:30 p.m., June 20 2014, to Sandra Hilton, Office of Environmental Services, P.O. Box 4314, Baton Rouge, LA 70821-4314 or fax to (225) 219-3240, or email sandra.hilton@la.gov.

A copy of this document may be viewed in the DEQ Public Records Center, Room 127, 602 North Fifth Street, Baton Rouge, LA, from 8 a.m. to 4:30 p.m. This SIP revision is available on the internet at <http://www.deq.louisiana.gov/portal/DIVISIONS/AirPermitsEngineeringandPlanning/AirQualityPlanning/LouisianaSIPRevisions.aspx>.

Herman Robinson, CPM
Executive Counsel

1405#026

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the oilfield sites listed in the table below have met the requirements as set forth by section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared orphaned oilfield sites.

Operator	Field	District	Well Name	Well Number	Serial Number
H. L. Hunt	Tullos Urania	M	State	004	9642
Ferguson Oil Company	Gueydan, West	L	H H Hungerford	001	144598(30)
British-American Oil Prod Co	Golden Meadow	L	Willie Pierce /B/	001	88548

Operator	Field	District	Well Name	Well Number	Serial Number
Vastar Resources Inc.	Jeanerette	L	VUB; Mrs Mary Killilea	001	210516(30)
Uni Production Company, Inc.	Caddo Pine Island	S	Rosa Gamm et al	001	37064
Uni Production Company, Inc.	Caddo Pine Island	S	Rosa Gamm et al	003	51545
Robert Allen	Golden Meadow	L	Willie Pierce	001	32887
Pharaoh Oil & Gas, Inc.	Phoenix Lake	L	PXLI A I Nvu; E W Brown Jr	002	40447
Pharaoh Oil & Gas, Inc.	Phoenix Lake	L	E W Brown Jr Swd	001	42246
Pharaoh Oil & Gas, Inc.	Phoenix Lake	L	E W Brown Jr	026	48102
Pharaoh Oil & Gas, Inc.	Phoenix Lake	L	PXLI A I NVU; E W Brown Jr	029	49219
Pharaoh Oil & Gas, Inc.	Phoenix Lake	L	E W Brown Jr	034	50012
Pharaoh Oil & Gas, Inc.	Phoenix Lake	L	E W Brown Jr	036	50459
Pharaoh Oil & Gas, Inc.	Phoenix Lake	L	E W Brown Jr	037	51061
Pharaoh Oil & Gas, Inc.	Lunita	L	Sonat Minerals Inc	001	207955
Pharaoh Oil & Gas, Inc.	Lunita	L	Sonat Minerals Inc	002	209056
Pharaoh Oil & Gas, Inc.	Phoenix Lake	L	E W Brown Jr	040	213772
Pharaoh Oil & Gas, Inc.	Phoenix Lake	L	E W Brown Jr	041	213773
Pharaoh Oil & Gas, Inc.	Phoenix Lake	L	PXL A I NVU; E W Brown Jr	042	214088

James H. Welsh
Commissioner

1405#017

POTPOURRI

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

Underwater Obstruction—Latitude/Longitude Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 12 claims in the amount of \$53,505.54 were received for payment during the period April 1, 2014-April 30, 2014.

There were 9 paid and 3 denied.

Latitude/longitude coordinates, in degree decimal minutes, of reported underwater obstructions are:

29 04.219 89 09.752	Plaquemines
29 04.896 89 05.736	Plaquemines
29 13.834 91 18.310	Terrebonne
29 25.837 90 33.529	Terrebonne
29 39.098 92 55.574	Cameron

29 43.009 89 50.201	Plaquemines
29 45.081 93 22.553	Cameron
29 49.880 89 16.562	Saint Bernard
29 50.606 89 38.310	Saint Bernard
29 52.176 93 20.727	Cameron
30 04.347 89 23.045	Saint Bernard

A list of claimants and amounts paid can be obtained from Gwendolyn Thomas, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-9388.

Stephen Chustz
Secretary

1405#016

POTPOURRI

**Department of Public Safety and Corrections
Oil Spill Coordinator's Office**

**Deepwater Horizon Oil Spill—Final Programmatic and
Phase III Early Restoration Plan and Final Early Restoration
Programmatic Environmental Impact Statement**

Action: Notice of availability of final plan

Summary: In accordance with the Oil Pollution Act of 1990 (OPA), the Louisiana Oil Spill Prevention and Response Act (OSPR), the National Environmental Policy Act (NEPA), and the framework agreement for early restoration addressing injuries resulting from the Deepwater Horizon oil spill (framework agreement), notice is hereby given that the federal and state natural resource damage assessment trustees (trustees) have prepared a final programmatic and phase III early restoration plan and final early restoration programmatic environmental impact statement (final phase III ERP/PEIS). The final phase III ERP/PEIS considers programmatic alternatives - comprised of early restoration projects - to restore natural resources, ecological services, and recreation use services injured or lost as a result of the Deepwater Horizon oil spill (hereinafter "the spill"). The trustees additionally propose 44 specific early restoration projects that are consistent with the proposed early restoration program alternatives. The trustees have developed restoration alternatives and projects to utilize funds for early restoration being provided under the framework agreement. Criteria and evaluation standards under the natural resource damage assessment regulations and the framework agreement guided the trustees' consideration of programmatic restoration alternatives. The final phase III ERP/PEIS also evaluates the environmental consequences of the restoration alternatives and projects under NEPA. The purpose of this notice is to inform the public of the availability of the final phase III ERP/PEIS.

This notice of availability also serves as notice that the trustees intend to use components of existing restoration projects, as further described in the final phase III ERP/PEIS and required by 15 C.F.R. §990.56(b)(3). In those instances, the projects were previously developed with public review and comment and are subject to current public review and comment, are adequate to partially compensate the environment and public as part of the trustees' ongoing early restoration efforts, address resources that have been

identified by trustees as being injured by the spill, and are reasonably scalable for early restoration purposes.

Addresses:

Obtaining the Document: You may download the Final Phase III ERP/PEIS, once released, which is expected to be on or about June 5, 2014, at <http://losco-dwh.com/>. Please visit <http://losco-dwh.com/> for updates on the document's availability.

Alternatively, you may request a CD of the document (see FOR FURTHER INFORMATION CONTACT). You may also review copies of the document at the public facilities listed at <http://losco-dwh.com/>.

For Further Information Contact: Karolien Debusschere at Karolien.Debusschere@la.gov

Supplementary Information:

Introduction: On or about April 20, 2010, the mobile offshore drilling unit Deepwater Horizon, which was being used to drill a well for BP Exploration and Production, Inc. (BP) in the Macondo prospect (Mississippi Canyon 252-MC252), experienced a significant explosion, fire and subsequent sinking in the Gulf of Mexico, resulting in discharges of oil and other substances from the rig and from the wellhead on the seafloor. An unprecedented volume of oil and other discharges were released from the well into the Gulf of Mexico over a period of approximately three months. In addition, well over one million gallons of dispersants were applied to the waters of the spill area in an attempt to minimize impacts from spilled oil. An undetermined amount of natural gas was also released to the environment as a result of the spill. Affected resources include ecologically, recreationally, and commercially important species and their habitats in the Gulf of Mexico and along the coastal areas of Alabama, Florida, Louisiana, Mississippi, and Texas.

The trustees (listed below) are conducting the natural resource damage assessment for the spill under OPA, 33 U.S.C. §2701 et seq. Pursuant to OPA, federal and state agencies and Indian tribes may act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time restoration is complete.

The trustees are:

United States Department of the Interior (DOI), as represented by the National Park Service, U.S Fish and Wildlife Service, and Bureau of Land Management;

National Oceanic and Atmospheric Administration (NOAA), on behalf of the United States Department of Commerce;

United States Department of Agriculture (USDA);

United States Environmental Protection Agency (EPA);

Louisiana Coastal Protection and Restoration Authority, Louisiana Oil Spill Coordinator's Office, Louisiana Department of Environmental Quality, Louisiana

Department of Wildlife and Fisheries, and Louisiana Department of Natural Resources;

Mississippi Department of Environmental Quality;

Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;

Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission; and

Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

The United States Department of Defense (DOD) is a trustee but, to date has not become a signatory to the framework agreement.

Background: On April 20, 2011, BP agreed to provide up to \$1 billion toward early restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the spill. This early restoration agreement, entitled "Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill" (framework agreement), represents a preliminary step toward the restoration of injured natural resources. The framework agreement is intended to expedite the start of restoration in the Gulf in advance of the completion of the injury assessment process. The framework agreement provides a mechanism through which the trustees and BP can work together "to commence implementation of early restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable" prior to the completion of the natural resource damage assessment process or full resolution of the Trustees' natural resource damages claim.

The trustees have actively solicited public input on restoration project ideas through a variety of mechanisms, including public meetings, electronic communication, and creation of a trustee-wide public website and database to share information and receive public project submissions. Their key objective in pursuing early restoration is to secure tangible recovery of natural resources and natural resource services for the public's benefit while the longer-term process of fully assessing injury and damages is still underway. The trustees released, after public review of a draft, a phase I early restoration plan/environmental assessment in April 2012, which included eight early restoration projects. Subsequently, the trustees released, after public review of a draft, a phase II early restoration plan/environmental review in December 2012, which included an additional two projects.

The trustees considered hundreds of projects leading to the identification of a potential 28 future early restoration projects announced in the *Federal Register* on May 6, 2013 (78 FR 26319-26323). On June 4, 2013, the trustees announced their intent to prepare an early restoration plan, as well as a programmatic environmental impact statement (PEIS) under OPA and NEPA to evaluate the environmental consequences of early restoration project types, as well as 44 additional early restoration projects in phase III to address injuries from the spill. These 44 projects included the 28 projects announced in May 2013 plus additional early restoration projects agreed upon by the trustees and BP subsequent to that notice. In accordance with NEPA, the trustees conducted scoping to identify the concerns of the

affected public, federal agencies, states, and Indian tribes and involve the public in the decision making process. A scoping process reduces paperwork and delay by ensuring that important issues are considered early in the decision making process. To gather public input, the trustees hosted six public meetings. The trustees also accepted written comments electronically and via U.S. mail during the scoping period.

A notice of availability for the draft programmatic and phase III early restoration plan and draft early restoration programmatic environmental impact statement (draft phase III ERP/PEIS) was published in the *Federal Register* on December 6, 2013 (78 FR 73555), and in the *Louisiana Register* on November 20, 2014 (Vol. 39, No. 11 *Louisiana Register* 3181-3183 (November 2013)) and December 20, 2014 (Vol. 39, No. 12 *Louisiana Register* 3409-3411 (December 2014)). The trustees provided the public with 75 days to review and comment on the draft phase III ERP/PEIS. During that review period, the trustees also held public meetings in Mobile, Alabama, Long Beach, Mississippi, Belle Chasse, Thibodaux, and Lake Charles, Louisiana, Port Arthur, Galveston, and Corpus Christi, Texas, and Pensacola, Florida to facilitate public comment on the draft phase III ERP/PEIS. The trustees considered the public comments received on the draft phase III ERP/PEIS, which informed the trustees' analyses of programmatic alternatives and specific early restoration projects in the phase III ERP/PEIS. A summary of the public comments received and the trustees' responses to those comments are addressed in Chapter 13 of the final phase III ERP/PEIS.

Overview of the Phase III ERP/PEIS: The final phase III ERP/PEIS is being released in accordance with OPA, the NRDA regulations found at 15 C.F.R. §990, NEPA, and the framework agreement.

The final phase III ERP/PEIS proposes early restoration programmatic alternatives and evaluates the potential environmental and cumulative effects of those alternatives. The final phase III ERP/PEIS groups 12 project types into two categories: 1) Contribute to Restoring Habitats and Living Coastal and Marine Resources, and 2) Contribute to Providing and Enhancing Recreational Opportunities. These categories provide the basis for defining the list of four proposed alternatives included in the document:

Alternative 1: No Action (No Additional Early Restoration);

Alternative 2: Contribute to Restoring Habitats and Living Coastal and Marine Resources;

Alternative 3: Contribute to Providing and Enhancing Recreational Opportunities; and

Alternative 4: (Preferred Alternative) Contribute to Restoring Habitats and Living Coastal and Marine Resources and Recreational Opportunities.

The trustees propose 44 projects in the final phase III ERP/PEIS, totaling an estimated cost of approximately \$625 million. The proposed restoration projects are intended to continue the process of using early restoration funding to restore natural resources, ecological services, and recreational use services injured or lost as a result of the spill. The trustees considered both ecological and recreational use restoration projects to restore injuries caused by the spill, addressing both the physical and biological environment, as well as the relationship people have with the

environment. The projects proposed in phase III are not intended to, and do not, fully address all injuries caused by the spill or provide the extent of restoration needed to make the public and the environment whole. The trustees anticipate that additional early restoration projects will be proposed as the early restoration process continues.

Next Step: In accordance with NEPA, a federal agency must prepare a concise public record of decision (ROD) at the time the agency makes a decision in cases involving an EIS. 40 C.F.R. §1505.2 Accordingly, the trustees will prepare a ROD for the final phase III ERP/PEIS that provides and explains the trustees' decisions regarding the selection of a programmatic early restoration alternative and specific early restoration projects. The trustees will issue the ROD no earlier than 30 days after the Environmental Protection Agency publishes a notice in the *Federal Register* announcing the availability of the final phase III ERP/PEIS. 40 C.F.R. §1506.10 Upon finalization of the final phase III ERP/PEIS and the ROD, agreement with BP regarding these projects will be completed, and approved projects will then proceed to implementation, pending compliance with all applicable state and federal laws.

Administrative Record: The documents comprising the administrative record can be viewed electronically at the following location: <http://losco-dwh.com/AdminRecord.aspx> or <http://www.doi.gov/deepwaterhorizon>.

Authority: The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. §2701 et seq.), the implementing natural resource damage assessment regulations found at 15 C.F.R. Part 990, the Louisiana Oil Spill Prevention and Response Act (R.S. §§30:2451-2496 (2010)), and the implementing natural resource damage assessment regulations found at *Louisiana Administrative Code* 43:101 et seq.

Brian Wynne
Coordinator

1405#023

POTPOURRI

Department of Public Safety and Corrections Oil Spill Coordinator's Office

Lake Grande Ecaille, Mosquito Bay, and
Little Lake Oil Spills—Draft Restoration Plan

Action: Notice of availability of a draft restoration plan (DRP) with a 30-day public review and comment period for LOSCO NRDA case files #LA1998_0922_0000 [Lake Grande Ecaille 1998], #LA2001_0405_1002 [Mosquito Bay 2001], and #LA2002_0406_1000 [Little Lake 2002].

Agencies: Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSOCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); and Louisiana Department of Wildlife and Fisheries (LDWF).

Authorities: The Oil Pollution Act of 1990 (OPA) (33 USC §2701 et seq.) and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA) (La. Rev. Stat. 30:2451 et seq.) are the principal federal and state statutes, respectively, authorizing federal and state agencies and tribal officials to act as natural resource trustees for the recovery of

damages for injuries to trust resources and services resulting from oil spill incidents in Louisiana. In accordance with OPA and OSPRA, the agencies listed above (referred to herein as the “trustees”) have, in conjunction with the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration, conducted natural resource damage assessments (NRDA) for each of the following three incidents: (1) the unauthorized discharge of crude oil into the waters of Lake Grande Ecaille, Plaquemines Parish, LA, on September 22, 1998, for which Equinox Oil Company, Inc. was identified as the responsible party (RP) and Elysium Energy, L.L.C. became the successor-in-interest; (2) the unauthorized discharge of natural gas condensate into Mosquito Bay on Point Au Fer Island, Terrebonne Parish, LA, on April 5, 2001, for which Transcontinental Gas Pipe Line Corporation, L.L.C. (Transco) was identified as the RP; and (3) the unauthorized discharge of crude oil from a pipeline into the coastal waters of Little Lake, Lafourche Parish, LA, on April 6, 2002, for which BP Oil Pipeline Company (BP) was identified as the RP.

Summary: Pursuant to *Louisiana Administrative Code* 43:XXIX.Chapter 1, notice is hereby given that a document entitled, “Draft Restoration Plan for the Lake Grande Ecaille, Mosquito Bay, and Little Lake Oil Spill Incidents” will become available for public review and comment on or about May 20, 2014. The DRP presents the trustees’ plan to restore, replace, or acquire natural resources or services equivalent to those lost, as a basis for compensating the public for the injuries to natural resources resulting from the incidents. The preferred restoration alternative is designed to create coastal herbaceous wetlands, including brackish marsh, near Lake Hermitage, LA. Upon finalization of the DRP, the trustees will prepare a final restoration plan and make it available to the public.

The DRP is available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the documents for public review. The trustees invite the public to review the DRP and submit comments to the address listed below. The trustees will consider comments received during the public comment period on the DRP before finalizing the restoration plan. Execution of the final restoration plan by the trustees shall provide the basis for compensating the public for injuries to natural resources and services resulting from the Lake Grande Ecaille, Mosquito Bay, and Little Lake incidents. Public review of the DRP is consistent with all state laws and regulations that apply to the NRDA process, including Section 2480 of the OSPRA, La. Rev. Stat. 30:2451 et seq.; and the regulations for NRDA under OSPRA, *Louisiana Administrative Code* 43:XXIX.Chapter 1.

Interested members of the public are invited to view the DRP via the internet at <http://www.losco.state.la.us> (under News Flash, Current News: “Lake Grande Ecaille, Mosquito Bay, and Little Lake Draft Restoration Plan Available”) or by requesting a copy of the document from Charles Armbruster at the address provided below:

Louisiana Oil Spill Coordinator’s Office
Department of Public Safety and Corrections
P.O. Box 66614
Baton Rouge, LA 70896
(225) 925-6606
[\[charles.armbruster@la.gov\]](mailto:charles.armbruster@la.gov)

Comment Submittals: Comments must be submitted in writing or digitally to Charles Armbruster on or before the end of the 30-day comment period.

For Further Information: Contact Charles Armbruster at (225) 925-6606 [or by email at: charles.armbruster@la.gov].

Supplementary Information—Lake Grande Ecaille: Following the September 22, 1998 oil discharge into Lake Grande Ecaille, the trustees began the process of assessing injuries to natural resources and services affected by the incident. On April 20, 1999, the trustees published a “notice of intent to conduct restoration planning” in the *Louisiana Register* (Vol. 25, No. 4, pp. 812-813). On July 20, 2005, the trustees published a notice of availability of a draft damage assessment and restoration plan/environmental assessment (DARP/EA) (*Louisiana Register*, Vol. 31, No. 7, pp. 1918-1919) that presented their assessment of injuries to natural resources and services attributable to the incident and their plan to restore, replace or acquire natural resources or services equivalent to those lost. The public was given an opportunity to review and comment on the draft DARP/EA during the public comment period, which extended from July 20, 2005 through August 22, 2005. The trustees did not receive comments during the public comment period and finalized the DARP/EA by publishing a notice of availability for the final DARP/EA in the November 20, 2005 *Louisiana Register* (Vol. 31, No. 11, p. 2999). The preferred restoration alternative identified in the final DARP/EA was intended to be implemented by the trustees using funds provided by the RP (Elysium Energy, L.L.C.) as part of the Equinox settlement agreement executed on January 5, 2006 and lodged within the United States Bankruptcy Court for the Eastern District of Louisiana. On October 20, 2007, the trustees published a notice of availability for a draft addendum to the final DARP/EA in the *Louisiana Register* (Vol. 33, No. 10, p. 2294). The trustees prepared the draft addendum to the DARP/EA to notify the public of a proposed change to the preferred compensatory restoration alternative and to provide an opportunity for the public to comment on the proposed change. The trustees reevaluated the feasibility of the proposed project following publication of the draft addendum, and, due to additional information, did not finalize the draft addendum.

Supplementary Information—Mosquito Bay: Following the April 5, 2001 discharge of natural gas condensate into Mosquito Bay, the trustees began the process of assessing injuries to natural resources and services affected by the incident. On November 20, 2002, the trustees published a notice of intent to conduct restoration planning in the *Louisiana Register* (Vol. 28, No. 11, pp. 2452-2453). On July 20, 2005, the trustees published a notice of availability of a draft DARP/EA in the *Louisiana Register* (Vol. 31, No. 07, pp. 1919-1920) that presented their assessment of injuries to natural resources and services attributable to the incident and their plan to restore, replace, or acquire natural resources or services equivalent to those lost, as a basis for compensating the public for the injuries resulting from the incident. The public was given an opportunity to review and comment on the draft DARP/EA during the public comment period, which extended from July 20, 2005 through August 20, 2005. The trustees did not receive any comments on the draft DARP/EA and published a notice of availability of a final DARP/EA in the *Louisiana*

Register (Vol. 31, No. 10, p. 2657) on October 20, 2005, which selected the “Canal Filling Southwest of Mosquito Island Marsh Creation” project for implementation by Transco. In June 2010, prior to the implementation of the marsh creation project, Transco settled their NRDA liability for cash, in lieu of implementing the project. Before settling the case, the trustees compiled a draft addendum to the final DARP/EA to: 1) identify a revised preferred restoration alternative, which will be implemented by the trustees, as a basis for the cash settlement; 2) provide an analysis for scaling the preferred restoration alternative to the injured resources; and 3) identify the methodology used for estimating the costs of implementing the preferred restoration alternative. The public was given an opportunity to review and comment on the draft settlement agreement and the draft addendum to the final DARP/EA during the public comment period, which extended from April 20, 2010 through May 20, 2010 (*Louisiana Register*, Vol. 36, No. 4, pp. 904-905). The trustees did not receive comments during the public comment period and executed the final settlement agreement, notice of which was published in the *Louisiana Register* (Vol. 36, No. 09, pp. 2136-2137) on September 20, 2010.

Supplementary Information—Little Lake: Following the April 6, 2002 discharge of crude oil into Little Lake, the trustees began the process of assessing injuries to natural resources and services affected by the incident. On

November 20, 2002, the trustees published a notice of intent in the *Louisiana Register* (Vol. 28, No. 11, pp. 2450-2452) to conduct restoration planning for the incident in order to develop restoration alternatives that will restore, replace, rehabilitate, or acquire the equivalent of natural resources injured and/or natural resource services lost as a result of the incident. In November 2011, BP settled their NRDA liability for cash, in lieu of implementing a project. Before settling the case, the trustees compiled a draft damage assessment and preliminary restoration plan (DAPRP) to: 1) identify a preferred restoration alternative, which will be implemented by the trustees, as a basis for the cash settlement; 2) provide an analysis for scaling the preferred restoration alternative to the injured resources; and 3) identify the methodology used for estimating the costs of implementing the preferred restoration alternative. Notice of the draft DAPRP and settlement agreement was published in the *Louisiana Register* on June 20, 2011 (Vol. 37, No. 06, pp. 2034-2035). The trustees did not receive comments during the public comment period and executed the final settlement agreement in November 2011. The final settlement agreement is available with the DRP via the internet at <http://www.losco.state.la.us>.

Brian Wynne
Oil Spill Coordinator

1405#022

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